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BOOK REVIEWS AND NOTICES

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Vol. XXVIII

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"People's Courts" in the Middle Ages

Robert I. Burns

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THE grim farce of "people's courts" currently enacted behind the Iron Curtain may serve to remind us that such an institution—one far different from its modern caricature—once actually functioned as an instrument of Christian justice. Courts by-and-for the people, handily accessible to the sorriest peasant, unhampered by pretentious professionalism, courts of simple dignity and practicality, were once part and parcel of the daily life of the medieval peasant of England. It will be instructive for the man of the machine age to examine their workings, and to see in their court-records a photograph of medieval village life. The phantom of the brutish serf, who has nothing further to lose but his isolation, his ignorance, and his chains, will not long survive an intelligent reading of those sources.¹

The records of England from mid-thirteenth century on are plentiful enough for our purposes. We may begin by remarking that at the time there was both an ecclesiastical and civil court system in the land, each centralizing, rationalizing and complaining bitterly of encroachment on its rights by the other. The civil jurisdiction, however, was split again into *public* and *private*. The public included not only the great network of local county courts under their respective sheriffs (an intra-county system of "hundred" courts was in theory included) but also the itinerant justices-in-eyre. These latter were something new in the land, for while shire and hundred moots had formed part of old England even before the Norman conquest of 1066, the eyre-justices represented a throwing open of the king's own council court to the freemen of the realm. Specialized courts would continue to spawn out of the king's feudal curia until there was an exchequer for finance, a king's bench for crown and criminal cases, a common pleas for inter-subject squabbles, a chancellor's court which soon became a sort of supreme court of equity

to untangle with common sense the more involved cases. These public courts would spread their centralizing power over the freemen of the land, especially from the thirteenth century on, organizing and unifying by writs, assizes, statutes, claims, reservations, and redefinitions.

But for the great mass of ordinary folk there was an extensive private, non-ecclesiastical jurisdiction, each feudal lord holding his own court. Theorists could distinguish three kinds of these private jurisdictions.² It was *franchisal* where a lord held major powers of justice such as should obviously belong to the state: a private hundred court or a *de facto* hundred court power, which would soon be swallowed by the growing royal courts until the tamer survival of "Leet Court" or "View of Frankpledge" was left. Then there was *baronial* or knight's jurisdiction, exercised in an honor court for military tenants over their feudal ties, service, property, titles, and the like; by 1300 this has shrunk into a manorial court for freemen called the court baron. The third jurisdiction was *domania*, a court like the baronial in essence except for its economic-social, rather than military, basis. It was the court of the village unit, of the farming community, held for freemen, villein and serf, and it is this court—the *halmote*—which we have spoken of as "the people's court".³ In practice the three jurisdictions usually would be merged in one sitting.

¹ "In fact, as the picture of medieval village life among the tenants of the Durham monastery is displayed in the pages of these *Halmote* accounts, it would seem almost as if the reader were transported to some Utopia of Dreamland." F. A. Gasquet, *English Monastic Life* (New York, Benzinger Bros., 1904), p. 199. For an adverse opinion in manorial courts see the incorrigible critic of the middle ages, G. G. Coulton, *The Medieval Village* (Cambridge, Cambridge University Press, 1925), ch. VII, "The Manor Court"; the reader will find here the worst that can be said of manor courts, darkened further by puritan and anti-Catholic prejudice, but sometimes illuminating. For a more balanced account consult the preface to *Select pleas in manorial and other seigniorial courts, reigns of Henry III and Edward I*, ed. F. W. Maitland, Selden Society publications vol. II for 1888 (London, 1889); and more recently the splendid volume by Warren O. Ault, *Private Jurisdiction in England* (London, Oxford University Press, 1923).

² Hallmote, halmote, halimot, halymote, haylemot, heal-gemot, halmot, hallmote, hallmoot; for early ME hal-imot, for OE heallgemot or hall meeting (see *Oxford English dictionary*, V, 42). Our outline has simplified a legal development which over several centuries saw other types of courts as well, and which easily admitted of exceptions here or there to almost any part of the general pattern, for example, the non-manorial assembly in the leet of Walsoken. Vinogradoff, *op. cit.*, p. 364, considers the halmote the only "strictly manorial court". Its origins are tangled and difficult but its legal basis would largely rest on the feudal assumption of public jurisdiction by private lords at a time when feudal responsibilities made such a course natural, and in the inherited petty authority of the pre-Norman vill; the feudal contract and communal social responsibility, backed by the sanctions of Christian ethical teachings, would solidify it. Slaves would be excluded from the halmote.

Private and royal courts alike were based not upon a legislative but upon a custom law, a set of immemorial principles and customs applied to a case at issue after the example of analogous cases remembered by the villagers. A custom was sacrosanct and neither lord nor king was above it; it was "the soul and life" of the manor tenants, protecting them against "the Lord's Will".⁴ Law as an expression of community reason, rather than law as expression of a ruler's will, was at the basis of manor court thinking. Custom itself was not static.

Custom taketh Beginning and growth to Perfection in this Manner: when a reasonable Act once done is found to be good and beneficial to the People, then do they use it often, and by frequent Multiplication of the Act it becomes a Custom; and being continued without Interruption Time out of Mind, it obtaineth the Force of a Law, to bind such a particular Place, Persons and Things . . .⁵

But the custom of the king's court, which was to develop into England's famed common law, gathered into itself many another element: some statute legislation, regional custom, royal or assembly resolutions. A "case law" (the ordinary manor court also allowed appeal to past decisions in the records) it rested on this modified custom-and-principle idea, and was administered by a lawyer class (who could rise from bar to bench) through judge and modern jury, for benefit of propertied freemen. It would operate with more regularity, justice and smoothness than the manor court could ever achieve, but it would also operate rather expensively, remotely and with a forbidding and confusing professionalism. It is better that manorial jurisdiction should have evolved into a stable and universal state jurisdiction; but the older, more personal system brought, in an age of potential petty tyrants, an easy and effective justice to the man in the field—i. e., to nine-tenths of the population. Altogether, it represents an achievement no less striking than the contemporary cathedrals and parliaments.

Theoretically, open to large abuse, the manor court generally operated with Christian mercy and Christian justice. One great authority tells us how much she delights "in the vigour, the humour, and the fair dealing of a typical manorial court",⁶ while another has concluded a brilliant volume on private jurisdiction with the words:

The court declared the custom of the manor; and the impression one gets is that the custom of the manor is the law of the manor, binding upon lord and tenants alike. In its political philosophy feudalism is not a form of despotism, benevolent or otherwise. It is more akin to the limited monarchy.⁷

Vinogradoff, the great Russian historian of English manorialism, has also emphasized this aspect:

Let us repeat again, that the management of the manor is by no means dependent on capricious and one-sided expressions of the Lord's will. On the contrary, every known act of its life is connected with collegiate decisions. Notwithstanding the absolute

⁴ Giles Jacob, *The complete court-keeper, or land-steward's assistant* (5th ed., London, H. Lintot, 1752), p. 19.

⁵ *Ibid.*, p. 19. But "an unreasonable custom, as for a lord to extort unreasonable fines . . . is void." *Ibid.*, p. 20.

⁶ Ada E. Levett, *Studies in manorial history*, ed. H. M. Cam et alii (Oxford, Clarendon Press, 1938), p. 40.

⁷ Ault, *op. cit.*, p. 344; cf. p. 176.

character of the lord . . . he is in truth but the centre of a community represented by meetings or courts.⁸

Courts were held at regular intervals—at the least twice a year, at most (and more usually) every three weeks. The villager received a formal summons, often from a minor village official, and unless he could produce a good excuse he must perform the time-consuming duty under pain of a stiff fine; court records often open with such entries as "John s[on] of Matilda, 6 d for not coming"; Baldwin "is in default because he has not attended the halmote"; Dick Turpin is in default "because he did not answer when summoned."⁹ The halmote, as its name implies, was a community assembly held in the manor hall, but on some manors it met out of doors, in a villein's house, under a huge tree, in a stable, or even inside the church sanctuary! The lord's steward was a sort of master of ceremonies during the sitting; one steward has left us a continuous record of one-day sittings he supervised during a single circuit of twenty-three manors held by his lord, i. e., twenty-three halmotes in one month.¹⁰ A single halmote would muster from a dozen to a hundred male villagers.

There were no modern judges, juries or lawyers. The community itself accused, tried and convicted the culprit, then after announcing their verdict (or "doom") they turned him over to the lord or his official to be fined or put at labor or pardoned, all according to formal and fixed custom. Every adult knew the manor law by heart and, whether freeman or serf, could assume in a moment the role of plaintiff, defendant, witness, law-expert or judge. The village was a juridical "person" and each farmer knew its contract and rights with the lord in whose small realm it "lived"; the whole farming community was responsible for each member and, like a modern union, could sue the lord or be sued by him. This "corporate character of the halmote,"¹¹ this communal sense of responsibility, has struck students of the institution forcibly. A negligent plowman or fence builder was not bullied by the overseer (himself elected by the villagers) or overwhelmed by the lord's will:¹² he was solemnly presented by his fellows to the court and the entire court tried him—an even more democratic procedure than student government at universities (which these same generations also invented and employed on a vast scale). Eventually

⁸ Vinogradoff, *op. cit.*, p. 361; see pp. 354-5. Not only were villeins not easily replaced, as slaves would have been, but as long as they were running the manor through the halmote not even an inefficient steward or an incompetent lord could destroy its prosperity. Above all economic considerations, moreover, was the steady leaven of Christian otherworldliness and the theological basis of justice and brotherhood: even when delivering dark sermons on contemporary injustice the medieval reformer appeals to this instinct in his fellows.

⁹ *Court rolls of the manor of Wakefield*, ed. J. Lister, Yorkshire Archaeological Society, Record Series vol. LVII, 1917, p. 22, Levett, *op. cit.*, p. 317. *Court rolls of the abbey of Ramsey and the honor of Clare*, ed. Warren O. Ault (New Haven, Yale University Press, 1928), p. 270. On December 8, 1294, at Hales, "tota curia fecit defaltam" except for 16 who are then listed. *Court rolls of the manor of Hales, 1270-1307*, ed. John Amphlett (Oxford, Worcestershire Historical Society, 1912), p. 311. The summons was to the tenure and so to the male head of the household.

¹⁰ *Ramsey rolls*, *op. cit.*, p. 23.

¹¹ Levett, *op. cit.*, p. 142.

¹² Vinogradoff, *op. cit.*, p. 368.

Palmerston versus Russian Imperialism, 1852-1856

Sister M. Charlita

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PALMERSTON was the Home Secretary in Foreign Affairs when, in 1852, Russia began preparations to resist Turkey in the Holy Land and to make herself dominant in the Balkans. Years of training in the Foreign Office had made him a man well versed in the affairs of the Continent. He was, in fact, as has been aptly said, the living refutation of Castlereagh's lament: "After me, no one understands the affairs of Europe."¹ In political life he retained the characteristics which had distinguished him as a school boy. He was plucky, positive, strong and straightforward. Gifted with a genius for organization, clearness of judgment, capacity for work, and unfailing patience, Palmerston easily endeared himself to the English people. In principles of diplomacy he adhered closely to Canning and Pitt. Palmerston had learned his Europe from an old master of the preceding century, Lord Malmesbury, his guardian after his father's death. A man thus trained in eighteenth century political views might well think of the Holy Alliance and Metternich's doctrines as an artificial restraint on the free rotation from one ally to another. And Palmerston did.

To Palmerston the only course for England was to constitute herself the champion of justice and right, to pursue that course with moderation and prudence, and to have no eternal allies, no perpetual enemies.² In the war between Russia and Turkey in 1828, during the struggle for Greek independence, Palmerston and the English public had supported Russia while Aberdeen was reproached as a Turkish sympathizer. In the Crimean episode there was to be a complete reversal of roles.

Any impartial analysis of Palmerston's diplomatic career reveals him as a practical man of enormous energy and an uncanny ability to see right into the very heart of questions in which Britain's best interests were involved. A study of the Crimean War both in its initial stages and in the efforts towards peace which followed brings Palmerston into relief as one of the most realistic of statesmen in the age of *Realpolitik*.

The Aberdeen Cabinet of 1853 in which power was quite equally divided between Whigs and Peelites, was a particularly pacific group of men. Lord Aberdeen especially desired peace. He disliked Napoleon, believed Turkey utterly incapable of reform and detested involving England in war. Czar Nicholas was keenly aware of this. He had had dealings with Aberdeen before. He knew, and he felt satisfaction in the knowledge, that England's Prime Minister would exert every possible effort to preserve peace. As early as 1844, Aberdeen

had given approval to the Czar's proposal that Great Britain and Russia should negotiate the partition of the Ottoman Empire whenever its dissolution seemed imminent. At the opening of the year 1853 Nicholas declared the desired dissolution to be clearly in sight and presented Britain with a definite plan of partition. The Turks were to be driven from Europe; the Balkan nations should be organized as Russian protectorates; Crete and Egypt were to belong to England. When Russell, who was Aberdeen's Foreign Secretary *pro tempore*, refused to admit that Turkey's status was desperate, Nicholas determined to bring pressure on the Porte in order to obtain a general protectorate over Turkey's Catholic subjects. It was then that Menschikov, the Russian envoy, demanded these rights at Constantinople. The Turks delayed beyond Russia's power to endure, and in May an angry Menschikov left for St. Petersburg. The Czar had already threatened Russian occupation of Moldavia and Wallachia if the Porte delayed his consent to the Russian government's demands. In June actual occupation of these principalities occurred, but the Czar officially announced that this was not to be considered as an act of war. Aberdeen was ready and willing to take him at his word.

Perhaps the picture of Aberdeen thus far is a little unfair. He did want peace. He curtailed any outward expression of doubt regarding Russia's pacific intentions. He realized, however, that it was essential to keep Russia out of Constantinople and the Dardanelles and to control the Turks rigidly to keep them from initiating war. He believed that the just complaints of Russia ought to be redressed but that her expansion into the Ottoman Empire ought to be resisted—peacefully.³

It was the policy of the whole cabinet, in fact, to oppose any action on Russia's part that might prejudice the independence and integrity of Turkey and to insist that the dispute between the Czar and the Porte be submitted to the Five Powers for consideration.⁴ There was unanimity of belief in the end to be attained but a notable difference of feeling on the policies to be adopted to achieve that end. Palmerston has been accused of organizing a war party in the British cabinet, of exciting war fever in the public and the press, and of bullying a timid premier into adopting an aggressive policy.⁵ Certainly Palmerston would have nothing to do with Aberdeen's appeasement plans. He would not have "peace at any price" and assuredly not at the price of exposing the British Empire in the East to dangers as definite as Russian imperialism. To him England's

¹ W. F. Reddaway, "Anglo-French Colonial Rivalry," *Cambridge History of the British Empire* (Cambridge University Press, 1940), II, 257.

² K. Martin, *The Triumph of Lord Palmerston* (London, George Allen and Unwin, 1924), pp. 54-55.

³ B. Schmitt, "The Diplomatic Preliminaries of the Crimean War," *American Historical Review*, XXV (October, 1919), 56.

⁴ *Ibid.*, p. 55.

⁵ H. Bell, *Lord Palmerston* (New York, Longmans, Green and Company, 1936), II, 83.

task was to resist Russia as an aggressor, not with words but with counter-acts. He would resist force with force, power with power. Palmerston did not want war. In the long years of his career in government service he had never sought war for war's sake or where it could be avoided; he had worked consistently for peace in Europe. He was willing to exhaust the resources of diplomacy, though in his heart he believed that the Russian Czar would understand no other terms than those of force. He would do business with him in his own language. If Russia were resisted, she would probably come to speedy terms; if she were not resisted, peace to Palmerston seemed impossible. To him it was not a matter of peace or war at any price, but Ottoman independence at any price. The practical reasons for the pursuit of such a policy Palmerston presented in written form to Aberdeen:

To expel from Europe the Sultan and his two million Mussulman subjects . . . might not be an easy task; still, the five Powers might effect it, and play the Polish drama over again. But they would find the building up still more difficult than the pulling down. There are not sufficient Christian elements as yet for a Christian state in European Turkey capable of performing its functions as a component part of the European system. The Greeks are a small minority, and could not be the governing race. The Slavonians, who are the majority, do not possess the conditions necessary for becoming the bones and sinews of a new state. A reconstruction of Turkey means neither more nor less than its subjection to Russia, direct or indirect, immediate or for a time delayed.⁶

Palmerston, ardent nationalist that he was, was thinking first of England, her commerce and her empire. Might not Russia, possessed of power in the Ottoman land, bestride the Continent from north to south, command the Baltic and the Mediterranean, envelop the whole of Germany, and embracing regions of great natural resources become Britain's greatest commercial rival?⁷ Yet, not for England alone but for all of Europe did Palmerston demand Turkish integrity. In presenting to the House of Commons the motives for the Crimean War, Palmerston on February 20, 1854, affirmed

. . . the independence and integrity of the Turkish empire is an essential condition for the maintenance of the peace of Europe . . . It is an essential element in the balance of power . . . It would be a calamity to Europe if any attempt was made to destroy that integrity and independence.⁸

In Russian appropriation of Turkish territory and the right of sovereignty over 12,000,000 of the Sultan's subjects Palmerston saw the threat of a power too gigantic to be anything less than a constant menace to international peace.⁹

At the end of May the news of Russia's threat to occupy the Danubian principalities reached London. Palmerston urged that a squadron be sent immediately to the Dardanelles and that Stratford Canning be empowered to command it to enter the Bosphorus in case

⁶ Quoted by Bell, *op. cit.*, II, 84, from Aberdeen, *Correspondence*, 1853-1854, p. 119.

⁷ Hansard, 3rd series, CXXXVIII, 1755.

⁸ Hansard, 3rd series, CXXX, 1035.

⁹ "Let no man imagine," Palmerston again warned the Commons, "that if Russia gets possession of Turkey, and if that gigantic Power, like a colossus, has one foot upon the Baltic and another upon the Mediterranean, the great interests of this country will not be periled . . . Trade would soon disappear, were the Mediterranean and the Baltic under the sole command of a Russian naval force, and that Power exercising a dominant control over Germany." Hansard, 3rd series, CXXXVIII, 1755.

of a probable attack of Russia on Turkey. This Lord Aberdeen opposed as a policy placing too much authority in the hands of Stratford Canning, involving, as it did, questions of peace and war.¹⁰ Palmerston took the stand that to let the action of the Czar go unchallenged was to acknowledge him dictator of Europe. When in June Russian forces actually seized the provinces, Palmerston demanded anew that action be met by action, that the squadron should be sent to the Bosphorus with the right to enter the Black Sea and to protect Turkey's coast. He deplored Russia's dependence on Britain's timidity and believed that Russia's actions were proving that she was counting on the neutrality of the strongest nation that could oppose her.

Aberdeen continued in a policy of delay and actually advised the Porte not to consider the occupation as an act of war. Palmerston regarded it as such; so did Napoleon. In the cabinet Russell inclined toward Palmerston's views and favored direct action. Clarendon tried to steer a middle course—to preserve the concert, to exert diplomatic pressure on the Czar and the Porte, to cooperate with France. Later he was to admit that it was folly to temporize. These were measures which irritated the Czar but did not prevent him; and they played into the hands of the Turks.¹¹ Aberdeen still hoped for concessions from Russia. But force had not been met with force, and the lesson was not lost on Nicholas. With his troops well established in the Principalities he could quite safely refuse concessions to Britain.

In September the British Government ordered the fleet to the Bosphorus. Division in the Cabinet continued with the unfortunate effect of making the Porte defiant and reckless. On October 4, despite British counsels, Turkey declared war on Russia and began operations in Armenia. Aberdeen had intended, or so he said, to leave the Turks to their fate. And he might have except for the war mania which the Sinope attack on November 30 aroused in England. In reality there was nothing exceptional in the Russia's destruction of a Turkish fleet in the Black Sea, for Russia and Turkey were officially at war. Yet in France and in Great Britain especially, the Sinope affair called for strong reaction. Almost every newspaper in England, *The Times* excepted, presented enlarged pictures of the attack, emphasizing the Czar's brutality and the humiliation which the British Government suffered in the event. Sinope had to be avenged. From that hour on, opposition to war was treachery. Honor urged England forward.¹² It was impossible to resist any longer Palmerston's demands that British and French allied fleets enter the Black Sea and compel Russia to withdraw. Public opinion in England refused further appeasement.

The Turks were certainly driving at war while the British Government labored for peace. Napoleon III declared that, if England would not join him, he would enter the Black Sea alone or else bring his fleet home.¹³

¹⁰ K. Martin, *op. cit.*, p. 114, quoted from Aberdeen, *Correspondence*, Letter to Sir James Graham, January 6, 1853.

¹¹ B. Schmidt, *op. cit.*, p. 56.

¹² K. Martin, *op. cit.*, p. 45.

¹³ J. Morley, *Life of William Ewart Gladstone* (New York, Macmillan Company, 1903), I, 490.

The Cowboy and Religion

Clifford J. Westermeier

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A careful scrutiny of the literature of the Great Plains and particularly of the dominant figure of that area, the cowboy, reveals a dearth of information concerning the moral, philosophic, and especially religious interests of this type of man. If one is to accept this lack of printed evidence as a positive sign of immorality, godlessness, and irreligiousness on the part of the cowboy, then the authors of the cowboy classics are correct in taking a negative attitude. Santee, Hough, Rollins, James, Adams, King, Mora, all of whom have written volumes on the cowboy, say little or nothing about this facet of the man. McCoy, Henry, Dobie, Rollinson, Osgood, Rush, and Dale, who have written shorter accounts, usually as single chapters in volumes concerned with the cattle industry or a particular phase of the area, add little to the solution of the problem. However, none of these writers say that the cowboy is immoral, godless, or irreligious. On the contrary, the cowboy is frequently pictured as a man with moral values and a simple philosophy in which religion has no place. He is not unlike the man of today—too busily occupied with his daily tasks to consider religion as an important part of life.

Environment—the West at most during this time was a last frontier, a missionary field, as it still is in many areas at the present time. Work—on the range and later on the ranch took the cowboy away from centers of religious activity or it occupied all of his time. Leisure—was so infrequent that a cowboy coming to town had so little time to accomplish so much that he did not spend his freedom listening to "psalm-singin'." It is the cry of modern man.

It is obvious that the cowboy did not practice an orthodox pattern of religion. He was not a church-goin', prayer-meetin', bible-readin' man. However, it would seem too easy to regard this individual as irreligious or godless. He has been so thoroughly characterized by his admirers and detractors that it is not necessary here to list his many virtues and vices, for they are too well known. Among his many virtues there is no evidence that he was a religious man in the true meaning of the word; however, he must have had some contact with religion, the religious, and religious activity. Philip Ashton Rollins discusses the subject of religion and the cowboy and resolves that, as a class, these men were negative toward it.¹ He writes:

Some of them, either atheistic or merely agnostic, were open scoffers, and with unctuous displayed to all newcomers a certain vicious, stupid, and hopelessly vulgar printed parody on the Bible. This particular parody was scattered all over the Far West, and was one of its recognized fixtures, along with the lariat, tin can, and sage brush. But most of the men, whatever their inner feelings may have been, touched lightly, if at all, upon religious matters. "Sunday stopped at the Missouri River," and many of the men

¹ Rollins, Philip A., *The Cowboy* (New York, 1936), p. 83.

never had opportunity either to enter a church or to talk with a clergyman. A fair statement is that, never having been religiously awakened, they were religiously asleep.²

This statement seems to be extremely broad and somewhat presumptuous, when one considers that Rollins' treatment of the whole subject of religion is found in this single paragraph. The cowboy must have come in contact with priests and ministers of the gospel. His working area had not only been a great field of missionary endeavor during the Spanish conquest and occupation but great numbers of both the native population and the émigrés were Roman Catholic. It is true, the cowboy despised the Mexican, the 'greaser', the herdsman with his flock which encroached upon his great grassy domain. And it is also true that the cowboy hated and fought the Indian, pagan or christian, but in both cases his prejudice was not for religious reasons. He came in contact with these two cultures and consequently with the various institutions of which religion is one.

Previous to, during, and after the Civil War various religious orders of the Roman Church continued to send members into the domain of the cowboy. Sister Blandina Segale, S.C., in her *At the End of the Santa Fe Trail* gives an interesting and, at the same time, an amusing account of her meeting with a cowboy. Her two chief worries on the journey were "Snow-bound and cowboys."³

The cowboy certainly came in contact with the missions of Arizona, California, New Mexico, and Texas, with the padres and their converts. As he advanced northward on the cattle trails, he again was aware of the missionaries of both Protestant and Catholic faith. The range cattle industry coincided with an influx of Protestant missionaries into the Great Plains area, and thus the cowboy must have been aware of the Christian Church, its followers and activities.

However, the writers of literature on the area and this man skim warily on the perimeter of the subject. More recently Edward Everett Dale writes in his *Cow Country*:

... it would seem that the man who rode the range for many years unconsciously developed a somewhat intangible philosophy of life. Perhaps his point of view and his heart and soul came to partake of the nature of the wide plains that were the field of his work causing him to despise everything small, petty, and mean, whether in thought, word, or deed. Whatever vices he might have were large ones and his virtues were larger. To explain this philosophy of life is difficult.⁴

Theodore Roosevelt expresses his opinion on the morality of the cowboy in several articles which resulted from his experiences with them. Careful to avoid the subject of religion, Roosevelt writes:

² *Ibid.*, pp. 83-84.

³ Segale, Sister Blandina, *At the End of the Santa Fe Trail* (Milwaukee, 1948), p. 27.

⁴ Dale, Edward Everett, *Cow Country* (Norman, Oklahoma, 1945), p. 133.

The moral tone of a cow-camp, indeed, is rather high than otherwise. Meanness, cowardice, and dishonesty are not tolerated. There is a high regard for truthfulness and keeping one's word, intense contempt for any kind hypocrisy, and a hearty dislike for a man who shirks his work. Many of the men gamble and drink, but many do neither; and the conversation is not worse than in most bodies composed wholly of male human beings.⁵

On another occasion Roosevelt writes: "Out on the frontier, and generally among those who spent their lives in, or on the borders of, the wilderness, life is reduced to its elemental conditions."⁶ As if to explain and excuse the man he admires, he continues: "Men have not yet adjusted their relations to morality and law with any niceness. They hold strongly by certain rude virtues, . . . and were not given to inquiring too curiously into a strong man's past, or to criticizing him too harshly for a failure to discriminate in finer ethical questions."⁷

Another writer views the question in the following manner: "There was no depth of thinking about the cowboy, no mental introspection, no professed philosophy. But he took his life calmly, and his trials with a placidity that did one good to look upon."⁸ The very loose and general interpretation of this particular phase of cowboy life is so prevalent, that even a superficial glance at the books by the various authors, would convince one that the cowboy and religion were not compatible.

Raine and Barnes, in *Cattle, Cowboys and Rangers*, mention probably the most pertinent contacts of cowboys with religion; the following one is of particular interest:

But sometimes the cowboys were not fighting. They were attending church services. The first sermon ever preached in Dodge was by a Methodist presiding elder, John W. Fox. He hired a hall and advertised the services by personal announcement at saloons and gambling halls. The building was jammed. After preaching he administered the Lord's Supper, asking those of his faith to come forward and commune. There was a moment's silence before a cowboy, half seas over, in chaps and spurs, jingled forward, took a square of bread, and drank a whole glass of the wine. When the collection was taken up this cowboy emptied both trouser pockets of all the money he had and poured this into the hat. "I never bum my drinks," he announced loud.⁹

Only occasionally a direct reference is made to religion, religious services, prayers, hymns or allied subjects in the literature on the cowboy, and this may be vulgarly humorous. Often the writers direct their attention to the morals and philosophy of the plainsman. What were the results of the cowboy's contact with everyday events in life and living—love, marriage, birth, death, justice, et cetera? Some kind of reaction must have taken place as is evident in the following statement:

Lest the impression be conveyed that these are irreligious and godless men, let the reader fancy a group of men, belted and spurred, seated in a rude arbor, listening reverently to a tall cowboy who has been selected by unanimous choice to read the Scriptures, and he can form an idea of the last Sunday I spent with the cowboys. With slow and deliberate utterance Phil Clairborne read out the words of the golden rule: "As ye would that

⁵ Roosevelt, Theodore, "The Round-Up," *Century*, 35 (April, 1888), 855.

⁶ Roosevelt, Theodore, "In Cowboy-Land," *Century*, 46 (June, 1893), 276.

⁷ *Ibid.*

⁸ J. P., "The Passing of the Cowboy," *Living Age*, 280 (January, 1914), 146.

⁹ Raine, William MacLeod, and Barnes, Will C., *Cattle, Cowboys and Rangers* (New York, 1930), pp. 135-136.

men should do to you, do ye also to them likewise." Then he proceeded, "These, my hearers, were the words of the Lord Jesus Christ, who spoke as no man ever spoke; and I pledge you my word, gentlemen, the Bible is a good egg." Profound attention greeted the speaker, and continuing he said, "Whatsoever is earthly can soon be replaced, but that which on yon side of the grave is eternal. If you lose your property, you may acquire more; if you lose your wife, you may marry again; if you lose your children, you may have more; but if you lose your immortal soul then up the spout you go."¹⁰

With sincerity and directness the cowboy reader places the cards on the table. There is only one way to play the game! Without fuss, feathers, or tinsel the cowboy preacher takes the teachings of Christ in all their simplicity and, in the manner of the Master, gives them to very simple men. Slang and colloquialisms are used, but the message loses none of its significance. The cowboy-preacher, speaking in the language of his listeners—cowboys—gives his sermon greater meaning.

Another chronicler relates his experiences at a frontier revival in the early days of Las Vegas, New Mexico. Everything went along fine; a good crowd was in attendance and the evening was a success until the preacher suddenly said:

"All who intend to go to hell stand up?" Only one man, a tough looking man, stood up. "O, my friend," wailed the preacher, "do you intend to go to hell?" Yes, I do," replied the fellow, "and there are others in this house who'll go to hell d—d quick if they don't stand up and keep me company." Whereupon he whipped out a revolver and in two seconds every man in the audience was on his feet, the writer included.¹¹

One wonders whether the above man was not making a plea for honesty within the assembled congregation—to be honest at least this one time. He knew them, their vices, and even though he used drastic means to bring about a confession, no one was going to be guilty of hypocrisy on this occasion. He instilled fright, in the manner of an old fashioned revivalist, and was utterly convinced of his own and his neighbors' degradation.

Incidents similar to the two related above are found throughout the personal and news columns of the old newspapers in the West. The periodicals and farm gazettes also give a clue to the cowboy's contact with religion. For example, the common treatment for the dude and tenderfoot in the West is at times aimed at the clergy. Farmington, New Mexico, "a rendezvous of the festive cowboy, a town to be avoided, . . . in fact black-listed from respectability and given over to the bullies of the cattle range,"¹² is the scene of such an incident:

A half drunken cowboy, one of the "tenors," happened to spy a minister who had lately come into the region, and with indifferent success was preaching at various points, walking down the street, and he concluded to have some of his style of fun. So he took out his revolver, and shot about six feet back of the reverend gentleman, following him in his way all the road home. He had no intention of hitting his target, and so unerring is the aim of these cowboys that he did not touch the clergyman once.

The latter, perhaps, knowing that the desperado did not intend to hit him, perhaps confiding his trust in Providence, walked quietly on without so much as turning his head, and thereby won the undisguised admiration of the cowboy.¹³

That the cowboy had a sincere appreciation of

¹⁰ Bradford, Louis C., "Among the Cowboys," *Lippincott's Magazine*, 27 (June, 1881), 565.

¹¹ *Field and Farm* (Denver, Colorado), November 30, 1889.

¹² *Daily Optic* (Las Vegas, New Mexico), November 5, 1884.

¹³ *Ibid.*

Prayer and its effectiveness, can be seen in the innumerable spontaneous appeals to God for help, understanding, and appreciation. Many of the prayers, because of their direct manner, often disclose in their complete sincerity elements of humor and of pathos which, when examined carefully, reveal the utter simplicity of the applicant.

At a cowboy's funeral, on Christmas Day, 1877, in the absence of a clergyman, the service was conducted by a cowboy named Arkansas Bob. "The only requiem that was sung was the roar of the turbid Platte, as it surged and tumbled along on its way to the sea—a mass sung by nature."¹⁴ Finally, as the grave was filled with earth, one of the cowboys said:

"I think we ought to have some kind of service. It ain't right y a darn sight to go away without sayin' somethin' over the grave—any of you fellows got a bible?"

No one had a bible, nor had seen one in a number of years. Finally someone whispered, "Sish! Arkansas Bob's going to pray," and he did.

"Oh Lord!" he said, "I guess in your opinion I'm pretty tough, but I ain't askin' nuthin' for myself, it's for Briggs. He is dead now, but he was as white a man as ever walked. He never did no man hurt, and he had a heart in him as big as a mule, and no one, as I've heard, ever said a word agin him. I don't know what I have to say will have much influence, but Briggs stood well with us down here, and although I don't know much about his career, or his history, or his family, he was a man you could bank on every clatter. He gave a Mexican four dollars and fifty cents once for medicine, and then turned right round and nursed him through a fever, but the infernal rascal hadn't been well more'n two days before he stole Briggs' saddlebags. Ah! Lord, here ain't any preacher nowhere 'round here, or we'd had him to say something more panted to you than I can say it. I never battered any with the bible, and can't just now remember a hymn-song, but I'm a man of my word; I mean what I say, an' Briggs, if he gets a chance, will make as good a record in heaven as any one that ever got there. He had away down in his heart something that was square and as true as steel, an' oh! Lord you musn't go back on that kind of a man 'cause they are too skeerce in these parts. Amen."¹⁵

The prayer was as rough as Bob himself, but no one can doubt the manly sincerity of it. After he had finished the prayer, the cowboys ranged themselves on one side of the grave and, drawing their six-shooters, fired a farewell salute over their dead comrade.¹⁶

Another funeral was held for the mother of a cowboy. She was known to all the boys of the Musselshell River region as "Aunt Mag." The boys took up a collection to buy an appropriate casket for her and went to Billings to get it. Willing hands dug the grave on a knoll north of the ranch cabin. The pastor, pall-bearers, and mourners were cowboys, and their sympathy came from deep in their hearts. Before the last mortal remains of "Aunt Mag" were lowered in the grave, one of the cowboys made a few brief remarks, eulogizing the good deeds of the deceased. Unfortunately these words were not recorded to be appreciated. This funeral, which was devoid of the pomp and formality of those in civilization, had no more sincere and sorrowing mourners than these who gathered to lay "Aunt Mag" to rest.¹⁷

The following is a typical chronicle of the cowboy and religion:

Two old Texas ranchers, who had just helped bury a neighbor, were talking about religion, and one asked the other how pious

he thought it was possible for a man to get in this world, if he was in real earnest. "Wal," said the other, reflectively, "I think if a man gets so't he can swap steers or trade bosses without lyin', 'at he'd better pull out for the better land afore he has a relapse."¹⁸

The old newspapers of the West often printed prayerful expressions of cowboy and cattleman in the form of poems or parodies, some of which are outright expressions of material and physical needs, while others have a humorous and, sometimes, even a blasphemous note. The following Cattleman's Prayer, was written by some poetic rangerman and sent to the local paper of Socorro, New Mexico. He does not circumnavigate the problem nor attempt to hide the fact that his are materialistic desires. He asks, and his request is courteous and respectful in the correct manner of man to man—Western style.

Now, O Lord, please lend thine ear,
The prayer of the cattleman to hear;
No doubt many prayers to Thee seem strange
But won't you bless our cattle range?

Bless the round-up, year by year,
And don't forget the growing steer;
Water the land with brooks and rills,
For my cattle that roam on a thousand hills.

Now, O Lord won't you be good,
And give our stock plenty of food;
And to avert a winter's woe,
Give Italian skies and little snow.

Prairie fires won't you please stop?
Let thunder roll and water drop;
It frightens me to see the smoke—
Unless it's stopped I'll go dead broke.

As you, O Lord, my herds behold,
Which represent a sack of gold—
I think at least five cents per pound
Should be the price of beef th' year 'round.

One thing more and then I'm through—
Instead of one calf, give my cows two.
I may pray different than other men,
Still I've had my say, and now, Amen.¹⁹

An incident in Cheyenne during the first meeting of the legislature in 1882 reveals the intense skepticism of any religious chicanery. When the chaplain concluded the morning devotions of the opening exercises with the Lord's Prayer, an attentive cowboy councilman from Sweetwater knit his brows in consternation and at the end of the prayer turned to another councilman with this remark: "It seems to me that I have heard that before. I believe he stole it." The other man said he thought not. The prayer seemed to him entirely original and appropriate. The cowboy councilman quieted down, but remarked *sotto voce*: "Well, he ain't going to ring in any second-hand prayers on us—not if I know it."²⁰

The tenderfoot, always a subject for a practical joke, never failed to win the admiration of the cowboy if he passed the series of ordeals without complaint. Any one who did not think, act, dress, or speak as the cowboy, was classed as a tenderfoot; however, the test of courage, if passed with flying colors, would cause the cowboy to accept the individual with all the above discrepancies.

¹⁴ *Field and Farm* (Denver, Colorado), March 6, 1886.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Field and Farm* (Denver, Colorado), December 5, 1889.

¹⁸ *Fort Collins Courier* (Fort Collins, Colorado), July 13, 1878.

¹⁹ *Socorro Bullion* (Socorro, New Mexico), October 30, 1886.

²⁰ *Denver Daily Times*, February 28, 1882.

The appearance of a tenderfoot in a cow camp of the White River country inspired a cowboy to describe graphically such an occasion in the language and meter of the twenty-second psalm:

He goeth out on the cactus-beddecked prairie to capture the evasive broncho, but his rope becometh entangled in his spur and he slideth with considerable rapidity over the rich, fertile soil, while the busy little prickly pear getteth in its fine work on the "decolleté" part of his chaparajos, and from henceforth he sitteth not with other men but standeth always upright. When he removeth his apparel to bathe in the cool brooklet, cow tracks may be seen upon his alabaster skin; yea there is a cattle trail which leadeth up over his statuesque form.²¹

An account in the *Democratic Leader* of Cheyenne gives a most vivid story of cowboy contacts with a clergyman. It is not a pretty story and caused much comment in southern Wyoming and western Nebraska.

A man by the name of H. S. Price, who claimed to be a clergyman of the Campbellite faith, appeared in Pine Bluffs, Wyoming. He was rather tall, clad in ordinary clothes, wore a full red beard, and appeared to be about forty-five years of age. Financially he was destitute and relied upon charity for board and room.²² He made known his desire to preach on the Sunday following his arrival. The local merchant, Mr. H. Sturth, offered his establishment as a meeting place. Mr. Price was the first preacher to stop at Pine Bluffs in a long time, and the news of the Sunday sermon soon spread far and wide.

On the Sunday morning designated, cowboys from ranches miles around began to pour into the town. By ten o'clock the town, which comprised three or four houses, was astir and so crowded that one might have thought it was the height of the cattle shipping season. While waiting for the services to begin, the cowboys passed the bottle, and the preacher was invited to partake. He took only two drinks, but as the measure was a large lemonade glass, he did consume a considerable quantity of raw spirits. Finally Price gave his sermon, but his condition was such that little was coherent. The cowboys became more expansive, six-shooters were displayed with astounding carelessness, they applauded liberally and demanded an encore. Price wisely declined. However the cowboys insisted upon another drink, and he graciously responded until the eighth lemonade glass was handed him, then he again declined, only because his capacity had been reached.²³

Preacher Price had remarked previously that he intended to go to Antelope later, and by chance a wagon was to leave for this destination after the services. Price was piled into the wagon by his cowboy admirers and during the twenty-two mile drive he never said a word or stirred. The driver, convinced that Price was "sleeping it off," did not attempt a conversation; however, upon arriving in Antelope, he discovered, when he made every effort to lift the parson from the wagon, that the man was dead. An inquest held by Coroner W. F. Moore of Sidney, Nebraska, returned

a verdict of death from unknown causes, and the body was buried at the expense of the county.²⁴

This story, printed by the *Democratic Leader*, reached the newspapers of nearby cities. The *Omaha Republican*, incensed by the conduct of the inhabitants of Pine Bluffs, called "upon the public to rise up and look into 'the affair at Pine Bluffs' and see if Price was not murdered."²⁵ This accusation reached Pine Bluffs, and a controversy ensued which finally took the form of a letter to the *Democratic Leader*. The letter, written by H. S. Sturth, reveals some interesting facts, if true, about Preacher Price. Sturth asserted that Price's reputation in Pine Bluffs was that of a tramp and thief; he had abused his hospitality, eating food and drinking liquor for which he refused to pay at the time, although he had agreed to pay after the Sunday collection. Sturth had given him permission to conduct a service in his establishment the following Sunday, and this proved a mockery. The congregation consisted of four cowboys and nine gentlemen from Nebraska who were waiting for an eastbound train. Sturth also mentions that Price had been indulging freely in whiskey the entire morning before his scheduled sermon, and says: "A more peaceable lot of men never met together than did on that day at Pine Bluffs."²⁶

The storekeeper denied the entire story in the *Omaha Republican* and concluded with the following statement: "I call upon any who hear my statements to make contrary to those I have here made. The ordinary idea of a 'cowboy' is that of a monster; a more kind-hearted, jolly set of men you seldom meet than the average cowboy."²⁷

The actual facts of this controversy will, in all probability, never be known, but the fact that Mr. Sturth, on other occasions, took it upon himself to protect the integrity of the inhabitants of Pine Bluffs from defamation by newspapers, would certainly incline one to give credence to his side of the story.

About two years later the "Colorado Cowboy Evangelist," the Reverend W. H. Rankin, appeared in Cheyenne. He was a member of the Presbyterian Church, known for his fearlessness in invading the haunts of the reckless cowboys of Colorado to bring them the word of Christ. He had a unique and daring method of approach, for he chose the principal saloon in the city as his temple of worship. The *Democratic Leader* gives a vivid account of his exploits in an isolated Colorado village:

Making his way in the place, he boldly mounted a chair, and launched upon the reeking air the pure precepts of the Divine Nazarene. At first his wild audience was too much taken by surprise to make any characteristic demonstration, but as they realized what was taking place the "wild and woolly" capabilities of the assembly suddenly developed themselves, and a perfect pandemonium broke loose. The preacher was proffered brimming tumblers of whisky, from all quarters foul and loud epithets assailed his ears, while above all sounded the cheerful crack of the ready revolver, as the heavily armed cowboys strove to frighten the daring preacher by a general fusilade out of the windows and through the roof. Finally several of the wild riders mounted their horses and rode them into the saloon, firing their pistols promiscuously as they came. But they had mistaken their man. The intrepid evangelist was of the

²¹ *Field and Farm* (Denver, Colorado), August 29, 1891.

²² *Cheyenne Democratic Leader*, December 11, 1884.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*, December 20, 1884.

²⁶ *Ibid.*

²⁷ *Ibid.*

stuff heroes and martyrs boast, and his voice rose loud and clear above the sound of oath and pistol shot, as he told them "that they were wasting time and ammunition; that he had come to stay, and proposed to do it."

Struck with admiration at his pluck, the cowboys suddenly grew quiet, and when three cheers were proposed for "the plucky parson," they were given with a will. The next thing was a proposition to hear him preach. This was also eagerly seconded, and the work of transforming the saloon into a church began at once. Beer kegs were ranged along the walls, and on these were placed planks. Here the cowboys ranged themselves, a most decorous and attentive assemblage. The sermon was preached, and today in that little frontier village beyond almost the outskirts of civilization, there is a Presbyterian Church with forty members in regular standing.²⁸

The following is a graphic and lively account of a saloon keeper at Clayton, New Mexico, who had been a recent convert to membership of one of the Protestant sects but continued his business which he proposed to conduct in a proper manner.

One evening, when a crowd of cowboys congregated in his saloon and grew boisterous, he called them to order and demanded that they recognize his change of heart, since he was now a man of peace. The boys shouted him down, but the proselyte continued to appeal to their good judgment. Cat calls of "gospel grease," "chin music," "bible bull," et cetera, were hurled at the reformer, who then became enraged, whipped out his revolver and shouted:

Here me out, you cantankerous rioters of the Rockies. I am a man of peace; of meek and gentle humility; but this gun of mine is what she used to be, and the first d—d skunk of a cowboy that don't like my style will git it right where it will do the most good. I've started in to live a new life and I propose to act in accordance with it, and any white livered coyote that raises a howl will chaw dust in just five seconds and not be able to spit it out. I'll be d—d if I ain't going to run this shebang on a strictly religious principle or shut her up. Now git out o' here quick; there's the church bell and I've got to conduct the service. You hear me! Skip!²⁹

The refinements of our modern religious institutions and of proselytizing are not found during the impact of religion on the frontier in the last quarter of the nineteenth century. But as religion "takes," one can not doubt the honesty and sincerity of those who accept it. It is not at all unlike the spontaneous approval and reaction which resulted when Christianity was first revealed to the crude, simple, illiterate men of Palestine—many of whom were finally to become the followers of Christ. Strange characters, people of all classes accepted or rejected the teachings of the Saviour. Illustrations, symbols, and actions, all of them odd, pathetic, and humorous, were used to express the true meaning of the message—to put it in tune with the crude ideas, manners, customs and habits which prevailed.

Although Christianity was never willing to compromise its basic truths, it did adopt many of the *mores* of its converts to the faith. Christianity has always faced a frontier—the fight for souls is always under frontier conditions. Circumstances on the Great Plains did not differ from those on the frontiers during the seventeenth and eighteenth centuries and even in the twentieth century.

The following story—actually a parable in cowboy style—illustrates how an idea may be planted in the mind of a simple people. It certainly would appeal to the understanding of the 365-working-day cowboy, who could readily appreciate the fact that conditions

affecting his work had changed although the work itself still remained:

Away back yonder toward the dawn of creation when Abraham and Lot and the rest of them were engaged in the range cattle business it was settled at one of the round-up meetings that it was all right to work on Sunday if the cattle happened to fall into the ditch. This was liberally construed in after times, and it finally came to pass that the cowboys worked on Sunday even on ranches that had no ditches on them.³⁰

The observance of Sunday as a day of rest or religious activity was certainly not a part of the life of the range or ranch cattle industry. According to the cattleman there was always work for the cowboy. In the late 80's, the *Tascosa Pioneer* gives the first hint of a change when it reported that the XIT ranch had innovated Sunday as a day of rest for its cowboys. This action, which was a new practice in the Panhandle, was followed by an additional announcement by the foreman of the *Capitol Syndicate*. "Six days were enough in every seven for man or beast to work, from then on they would stop for twenty-four hours and observe Sunday."³¹ Whether there is any connection between the above story and the action of these ranchmen is not known although both appear under the same date line.

The Reverend Cyrus T. Brady in *Recollections of a Missionary in the Great West* relates a touching incident about his being snowbound on a Western railroad. There were only seven passengers on the train—the minister, a traveling salesman, a cowboy, a big cattleman, a widow and her two children. It was Christmas Eve, and the children were looking forward to Santa Claus and his gifts. After they had been put to bed, the four men planned a real Christmas for them. Gifts came from their own personal belongings—trinkets from the traveling salesman's bags; the prairie contributed a sagebrush tree; the cattleman wool socks to be filled, and a bottle of whiskey for the amateur Santa Claus' "unsettled feelings." Tissue paper wrappings from the salesman's stock and clean waste from the engine provided ingenious decorations for the tree, and train lanterns were a wonderful substitute for the colored lights. It was hard to decide, who were more delighted, the children or the men, when the youngsters saw what the cowboy called the "layout."³² The clergyman contributed a Christmas service in accordance with the custom of his church. Brady writes:

... I am sure no more heartfelt body of worshipers ever poured forth their thanks for the Incarnation than those men, that woman, and the little children. The woman sang "Jesus, Lover of My Soul," from memory, in her poor little voice, and that small but reverent congregation—cowboy, drummer, cattleman, trainman and parson—solemnly joined in.

"It feels just like church," said the cowboy, gravely, to the cattleman. "Say, I'm all broke up; let's go in the other car and try your flask ag'in." It was his unfailing resource for "unsettled feelin's."³³

The cowboy does not often think or reminisce about the prospects of his soul. Few references are made to the soul, and through research one is almost convinced that the cowboy anticipates, upon his death, a completely physical transmigration to heaven, including a few accessories, such as his horse, saddle, favorite rope

²⁸ *Cheyenne Democratic Leader*, October 22, 1886.

²⁹ *Field and Farm* (Denver, Colorado), November 2, 1889.

³⁰ *Field and Farm* (Denver, Colorado), June 30, 1888.

³¹ *Ibid.*

³² Brady, Reverend Cyrus T., *Recollections of a Missionary in the Great West* (New York, 1900), pp. 174-181.

³³ *Ibid.*, p.182.

and certainly his bed roll. This attitude has a tendency to overshadow the necessity of having a soul or giving any great thought to its hereafter. When a cowboy thinks of going to heaven or hell, it is a very concrete process—simply the man as he stands there—his body, with hat, shirt, levis and boots, plus those belongings which make him different from the man on foot. The cowboy is a horseman, the aristocrat of the plains—without his accessories he is not a cowboy.

One of the most interesting testimonies of pondering upon the immortality of the soul (vague as it may seem) is the reminiscence of two cowboys out on the endless plains on a lonely night. The boys are star-gazing and one speaks:

Last night as I lay on the prairie
And looked at the stars in the sky,
I wondered if ever a cowboy
Would drift to that sweet bye and bye.³⁴

This bit of tender sentiment caused the two cowboys to pause and consider the prospects of life in the Great Beyond. This bit of philosophizing is so simple and yet so touching that it is worthy of quoting:

Do you think a couple of toughs like us would stand any kind of show up there among them angels, with their golden wings, the gold-paved streets, no end of harps, free music, everything coming your way, where everyone had his own private brand and the good Lord dead onto every angel in the herd? I've been sort of thinking this thing over, and it hits me bang in the short ribs that you and me had better set in that kind of game, play close and see if we can't win, for—

"The trail to that bright, mystic region
Is narrow and dim, so they say;
But the one that leads down to perdition
Is staked and blazed all the way."³⁵

And that's dead right. It's no trouble to find the trail to hades; it's a cinch and you can't lose it, for the devil is the smoothest old boy in the deck. He sticks closer than that porous plaster I put on you that had been shot with bird shot. When the big round-up comes up we want to be easy to find.

"They say there will be a great round-up
Where cowboys like cattle will stand—
To be cut out by those riders from heaven,
Who are posted and know every brand."

Now, old man, that verse is the apple dumpling of the whole layout and shows no monkeying goes for a minute. How are you going to get around it? You and me have been riding these ranges all our lives, and we ain't got a brand. We've got to croak some day. Look at pay-day; we get our dough and where is it? Booze—fairies and boozel! A scrap or two and we go back to work. It's the same old game, and you can't beat it. Do you think a cow-puncher could go to heaven, anyhow?

"I wonder was there ever a cowboy
Prepared for that great judgment day,
Who could say to the boss of the riders,
I am ready to be driven away?"

That last one is a hard crack. I don't see why a cowboy can't get there with both hoofs. I'm going to keep cases on them sky pilots and try to get onto their curves; but, old man, it's on the square and I know it. Listen to this:

"They say He will never forsake you—
That He notes ev'ry action and look;
But for safety you'd better get branded,
And have your name in the big tally book."

Now you've got the whole snap right in the neck. I'm going to get branded. You had better shake off your hobbies and cash in your chips with me. When we get up yonder and jingle our spurs at the gate of the big corral and St. Peter looks out, we'll just tell his royal highness that we are the two biggest thoroughbreds that ever came from Turkey Track range; that lately we've been on the dead square—no monkeying of any kind—and it's safe money that he'll say to some tenderfoot, "Just fit these gentlemen out with wings." Then we're in the game from that time on.³⁶

The classic cowboy of the last third of the nine-

teenth century was a man with a strong moral code and a casual day-by-day philosophy which resulted from his close contact with nature, and yet, at the same time, he also shows a tendency toward religion. This tendency has been ignored by his biographers who stress his mortality and philosophy. In his daily actions the first two aspects appear to dominate his life, but upon closer observation, his contacts with life also reveal religious motivation.

The cowboy was not a man of faiths or creeds, although it is not improbable that he would have a preference for the religion of his early environment or the community in which he lived. Because of his nomadic character, when he did seek or come in contact with religion, it was always the religion or faith at hand.

He was aware of God, the Old Testament, the Gospels. He was conscious of the devil, hell, and sin, also of the soul, heaven and prayer. Because of his environment his knowledge of right and wrong was crystal-clear under his strict code—a code which might appear harsh in an older, conservative, and religious-bound society.

The cowboy's religious activity was manly, yet often colored by a deeply-felt sentiment and ostentatious displays of generosity. Some cowboys displayed mockery, ridicule, vulgarity, and sometimes an outrageous conduct in regard to certain phases of religion, and yet they respect another man's religious beliefs and actions when convinced of his sincerity. The cowboy could understand the simple basic teachings of Christ and, when these were presented in all their simplicity, he recognized them as fundamental truths. Whether he followed these precepts or not is another question. He seemed to have complete confidence in God's understanding of his particular weaknesses and an unbounded hope in salvation. Often his prayers are direct, materialistic appeals for help and only occasionally are they contemplative—prayers of contrition, thanksgiving or faith. His prayers always reveal complete confidence in God but always he adds a note of explanation in order to aid or "make it easier" for God, or a number of short-cut suggestions. Above all, he wants to make his problem clear; therefore no "guess-work," no mistakes, no misunderstandings.

Unfortunately, the chroniclers of the cowboy's religious expression record, in general, only those incidents which display vulgar or humorous twists, and thus they perpetuate, unwittingly, the legend that the cowboy was godless or irreligious. If the cowboy was so often guilty of vulgar action in relation to religion, is it not possible that he often was also sincere and honest in this contact? This his biographers do not say. Their general impression of the cowboy is a "harum-scarum," "wild and woolly," undisciplined child of nature, who fears neither man nor beast and has little regard for a Supreme Being. The other picture of the cowboy, which is often portrayed, is the taciturn, silent man of the West, given to deep, dark moods of icy cold fury and anger and again almost child-like innocence, purity, and naivety, a man who, with the God of justice behind each six-shooter, respects law, order, women and

³⁴ *Field and Farm* (Denver, Colorado), August 28, 1897.

³⁵ *Ibid.*

³⁶ *Ibid.*

goodness. If there are such extremes of character in the makeup of the cowboy, then there must be an average type of this man between these two extremes—a man who is just a man with the vices and virtues of all men, and who is conscious of the various social institutions including religion.

“People’s Courts”

(Continued from page twenty-eight)

the villagers would elect representative groups from their number to take over certain functions for the whole court that day; these committees, called “juries”, were not the modern jury (itself a medieval product), but simply more effective, speedier sections of manor court in miniature.¹³

In businesslike pattern, the “oyez” cry of the beadle would be followed by proceedings against absentee villagers, the swearing in of the committee (or juries), then the accusations, deliberations, defenses and verdicts, all written by a clerk into the court “rolls”. The assembled farmers tolerated no nonsense, and contempt of court sentences were imposed on chattering, disturbers, or those making unseemly protest over an adverse verdict. Much of the court business concerned infringements of manorial usage (trespass, cheating, etc.), offenses against public morality (rape, adultery, slander, and the like), and manorial business, elections and property contract. A few courts had, at different times, a higher jurisdiction, and one reads in their rolls ominous marginal notations like “let him have a priest” or “he was hanged.”¹⁴

In a thirteenth-century manuscript on how to hold a manor court—*Here May a Young Man See How He Should Speak Subtly in Court*¹⁵—we have the formal procedures outlined at some length, with typical cases included. William the Baker is charged with having ignored the communal standards in producing his product and is fined; a villein whose mare has been wandering in the lord’s corn throws himself upon the judgment of his fellows and receives the usual fine; another is fined because his son stole apples from the lord’s special garden; and one Thomas is hauled up for having “sold in full market fish which was stinking and putrid and in every way rotten and contrary to the liberty of the vill and the ordinance . . .¹⁶

Though the actual court rolls are “police records” and so present the peasant under the worst light, the total effect of reading the rolls is one of admiration both for the juridical system and for the vigorous Christian viewpoint of the peasant himself. Most of the charges are for naive human failings much less malicious than many retailed in a modern city’s tabloids. Criminal enormities usually fell outside manor jurisdic-

¹³ This did not represent a decline in halmote democratic procedure as some earlier writers have felt; see Ault, *op. cit.*, pp. 343-44.

¹⁴ Henry S. Bennett, *Life on the English manor, a study of peasant conditions 1150-1400*, Cambridge Studies in Medieval Life and Thought (ed. G. G. Coulton), (London, Cambridge University Press, 1938), pp. 196-97.

¹⁵ Anonymous, ed. Helen M. Briggs (London, Sweet and Maxwell, 1936).

¹⁶ *Ibid.*, p. 9, see pp. 1, 3, 7.

tion, but few lapses below that category would escape the sharp-eyed farmers-turned-prosecutor.

Blood was drawn in petty squabbles during one hectic year at Wakefield (1286), a circumstance which increased the fines.¹⁷ At Ramsey abbey Henry Aylmar has pummeled (*verberavit*) Simon Norman on the king’s road last St. James’ day, while an irate William has to be fined for wielding an injurious pitchfork (*furca ferrea*) against a neighbor.¹⁸ One entry notes a burglary, another a wounding by crossbow, another the avoidance of taxes-in-kind at the lord’s mill by secretly using hand mills (a common offense).¹⁹ Searching among more normal and prosaic entries for the picturesque, we find at various manors: a wife and friend gang up to beat a husband; two cases of wife-beating are considered; John Clericus has clouted (*percussit*) one Alice; someone has been dragged by the hair and had his shirt torn in a fight; eight young women and a lone male are addicted to (*consueti*) firing neighbor’s fences; and one poor eccentric has burned down Agnes Daleby’s house.²⁰ At Hales, Thomas Brid is in trouble because his dog bit the woman plaintiff (*momordebat*: probably made a habit of biting her!) Certain turbulent families, like the Simonds of Hales, are constantly in and out of court.²¹

An interesting feature of the manor court is the facility with which one might obtain redress for slander or abusive language. In 1365 villagers of one community are ordered, under pain of a half-mark fine, not to call a fellow villager “bumpkin” (*rusticus*).²² *Injuste defamuit* is a common entry in many courts and demonstrates both the nice moral sense of the community and the ease with which redress might be obtained for small but real injury. At Schytlingdon, Alexander Correctarius has defamed William Lambert and wife as chicken thieves; in a Hales court of 1294 Richard the Shepherd complains that Thomas de Hulle has slandered him as stealing a sheep from the common flock; and one tenant (1305) even charges slander of her good name, though a reading of previous court rolls shows she has little to defend.²³

Dereliction of duty or petty cheating is of course not uncommon, and many rolls have much ado about this. A farmer slyly plows a bit beyond his own land (to the plaintiff’s “damage 40d”); another is ordered to demolish a wall he has built to the great damage of Richard Fraunceys; one Alan Cocus (1294) has plowed and sown four feet of his neighbor’s land, and the court awards the coming harvest to the neighbor!²⁴ Sloppy plowing of the demesne land (*male arauerunt*)

¹⁷ *Wakefield rolls*, *op. cit.*, p. 160.

¹⁸ *Ramsey rolls*, *op. cit.*, pp. 130-185.

¹⁹ *Wakefield rolls*, *op. cit.*, pp. 163-64.

²⁰ *Ramsey rolls*, *op. cit.*, pp. 251, 223, 209, 189; *Hales rolls*, *op. cit.*, pp. 257, 276-77.

²¹ *Hales rolls*, *op. cit.*, pp. 475, 492n.

²² *Halmota prioratus dunelmensis*. Containing extracts from the halmote court or manor rolls of the prior and convent of Durham. A. D. 1296-A. D. 1384, ed. J. Booth, Publications of the Surtees Society vol. LXXXII (Durham, 1886), p. 40.

²³ *Ramsey rolls*, *op. cit.*, p. 191. *Hales rolls*, *op. cit.*, pp. 265, 522.

²⁴ *Lathe court rolls and views of frankpledge in the rape of Hastings*, A. D. 1387 to A. D. 1474, ed. E. J. Courthope and B. E. Formoy, Sussex Record Society vol. XXXVII (Lewes, 1931).

²⁵ *Ramsey rolls*, *op. cit.*, pp. 188, 210.

brings three men before a Ramsey court.²⁵ A Hales court (1297) charges Thomas le Esquier with holding shut a croft which should in part be used by the community.²⁶ Outright stealing was known then as now: everything from acorns (*pro glandibus collectis*, 1297) to dung (1301).²⁷ A tenant of Lathe pilfers two mares and sixteen sheep on the feast of St. Margaret; a burglar at Wakefield gets away (1286) but is condemned anyway *in absentia*: "let him be taken when he can be found"; and the parents of three different Wakefield children must pay 2d each because their youngsters have been caught "snaring birds".²⁸

Sexual lapses, a not unexpected failing in the human story, occupy a place in the court entries—but generally not at all what one would expect both from a reading of reforming preachers and poets and from a consideration of primitive societies (where, moreover, few weaknesses of this kind would escape the village gossips). The basis of some of this particular jurisdiction may be explained by the economic loss in manor chattels when ecclesiastical courts put a heavy fine on a culprit in a morals case; but the concern manifested in the documents is by no means confined to economics. In 1315 at Wakefield the villeins indignantly charge "that Richard del Ker has lived an incestuous life amongst them and has allowed the harlot, forbidden by the steward, to return again, the penalty assigned being 40s"—a severe fine; on the accused's plea that the woman is merely a species of medieval baby-sitter, "an inquisition is taken of the whole graveship, who find otherwise."²⁹ In 1286 Christina Wade was condemned because she "receives strangers at night contrary to the statute, and is an evildoer";³⁰ the attitudes displayed in this sort of condemnation should serve as a corrective for those seekers of the sensational who would contrive a medieval Kinsey report from a study of idlers and students in the Paris Latin Quarter: nine-tenths of the population were on the manor farm. A major scandal must have been the case of the Hales bailiff himself who in 1300 was charged (among other offenses) with double adultery—one "off and on" (*pro voluntate sua*) and one habitual (*conversando*).³¹ At Ramsey, Alice is pregnant *extra matrimonium*, as is Lucy (the man in the latter case is mentioned); and in 1288 the same charge is brought against Alice, Amicia, and a Matilda Hokel.³²

Finally, there are in the court rolls interminable entries relating to business, debts, broken promises, contracts formal and informal, marriage licenses, inheritance taxes, elections of villeins to officialdom, property deals, and the like. Brothers quarrel over the inheritance of their father's lands; Dionysius Henry takes a wife without previously securing a license, and the

²⁵ *Ramsey rolls*, *op. cit.*, p. 243.

²⁶ *Hales rolls*, *op. cit.*, p. 378.

²⁷ *Ibid.*, pp. 378, 433.

²⁸ *Lathe rolls*, *op. cit.*, p. 5. *Wakefield rolls*, *op. cit.*, pp. 55, 163.

²⁹ *Wakefield rolls*, *op. cit.*, p. 94.

³⁰ *Ibid.*, p. 166.

³¹ *Hales rolls*, *op. cit.*, pp. 403-4.

³² *Ramsey rolls*, *op. cit.*, pp. 189, 194. Thomas Aleyn forfeited chattels of the lord in an ecclesiastical court "super fornicationem cum Margareta Chircheman" and so is before the halmote, *ibid.*, p. 239.

widow Elena Barun, and Sarra Crain, also try to marry without the payment; Roger has been ordained a priest without the formality of the lord's permission; young widow Byssop and widow Payn are warned to provide themselves with husbands (probably to take up the share of communal work their land-holding demanded—or else lose the land); a runaway serf (he is on the land of a neighboring abbot) is noted.³³ At Wimbledon a royal proclamation is read on the convenient occasion of the halmote.³⁴ Typical business entries from Park manor in the thirteenth century include a quarrel over ownership of four acres of land (*utrum ille habeat maius ius*) a payment of inheritance tax (*gersumavit* 30 shillings), a purchase of land without permit—i. e., without registration and fee, several land contracts, entrance into possession, and so forth.³⁵ On Codicot manor someone has avoided the merchet fee by marrying away his daughter without license.³⁶

Sometimes the lord himself was defendant; one interesting case of this kind took place at Norton, where an early advocate of women's rights complains the tax upon her dead husband's chattels is unjust since she herself had held the possession (she lost the case when the villagers ruled *vir est caput mulieris*: the man is full head of the family).³⁷ Sometimes the whole township would fine itself as a body for dereliction of a proper duty, as at Wakefield where the peasants had neglected after a burglary to raise the hue "as it ought to have been."³⁸ Communal orders are also promulgated in the halmote, as at Est-Raynton where all are admonished to see that pigs have rings put on their snouts (a Wimbledon family of five are fined 4d each for having "unrung" (*inanulatos*) porkers rooting about).³⁹ Private housing projects were not rare: at Durham John Bars was told to repair his cottage before next court or lose it.⁴⁰ Manor officials are usually elected by the villeins from among their number, as at Neutron Beulewe manor where a *praepositus* is chosen or at Wimbledon where beadle and reeve are elected.⁴¹ Social and labor notes of all kinds pop up in the records; at Broughton the tenants once went out on an all-day strike during harvest.⁴²

Many elements of the manor court merit more than the passing glance we are giving them here. Rashdall calls attention, for example, to the extent of popular literacy when the accounts are kept in Latin (and a sound and workmanlike Latin it is, as good as that of schoolmen and statesmen in its way) by "the bailiff of every manor".⁴³ And we may add that, besides the literacy of certain officials, the rolls demonstrate for this

³³ *Ramsey rolls*, *op. cit.*, pp. 219, 207, 211, 194.

³⁴ Extract from the court rolls of the manor of Wimbledon, extending from 1 Edward IV to A. D. 1864. Selected from the original rolls for the use of the Wimbledon common committee (London, Wyman and Sons, 1866), p. 15.

³⁵ *Levett*, *op. cit.*, pp. 301-311 (Park rolls extracts).

³⁶ *Ibid.*, p. 321 (Codicot rolls extracts).

³⁷ *Ibid.*, 335 (Norton rolls extracts).

³⁸ *Wakefield rolls*, *op. cit.*, p. 164.

³⁹ *Durham rolls*, *op. cit.*, p. 50. *Wimbledon rolls*, *op. cit.*, p. 9.

⁴⁰ *Durham rolls*, *op. cit.*, p. 76.

⁴¹ *Ibid.*, p. 110. *Wimbledon rolls*, *op. cit.*, p. 33.

⁴² *Ramsey rolls*, *intro.*, p. L.

⁴³ H. Rashdall, *The universities of Europe in the middle ages*, ed. F. M. Powicke and A. B. Emden, 3 vols. (Oxford, Clarendon Press, 1936), III, 351.

pre-printing era a shrewd ethical and legal education among the common villagers. Cunningham has noted as well that the manor officials had to be very good accountants and businessmen to manage the more complicated manor systems.⁴⁴ Another sidelight is the presence of money and money-mindedness in manors still thoroughly wrapped in a closed, natural economy; many fines may actually have been paid in labor, many more certainly were not. A proverb of the time reminds us that "justice is great profit", and the halmete profits formed a separate paragraph in the reeve's annual accounting (*comptos*). A single sitting of one of Ramsey's courts brought (November 4, 1288) the not inconsiderable sum of 48s-6d; and on November 2, 1308, the court of Clare Honor achieved the rare sum of well over ten pounds, a feat it surpassed on April 9, 1309, with 11 £-13s-8d.⁴⁵

After the fourteenth century "the decline of the private court proceeds rapidly, and the interest of the student no less so".⁴⁶ The medieval world is in its deep twilight and England will soon be shaken by the Wars of the Roses, the money-centered economy, the breakdown of the services system, the growing-pains of intra-national economic and political relations, the farming out of the domain, the growth of courts baron and professionalism, the impact of Tudor tyranny and Roman law. The world is getting more complex and the old institutions must adapt to the changes or die. Common law, despite efforts to halt its progress, even infiltrates the manor court, while England's prosperous villeinage rapidly buy their way into full freedom from hereditary economic contract and so gain access to the now dominant royal courts. Manor courts, severely limited now in jurisdiction, survive into modern times, and are planted for a time on areas of American colonial soil, where they take sturdy if temporary root; the original manuscript rolls in the Treasure Manuscript archives of Columbia University's law library continue well up into the eighteenth century, and Court Keeper's guides were still being published at that time.⁴⁷

The manorial system, like all else in this "vale of tears", was no utopia; economically and politically we have advanced beyond it—perhaps not quite so far as was once thought, nor half so far as four centuries ought to have achieved. The transition in the legal sphere was painful indeed and, when the manorial court did disappear a bit prematurely in a world grown more predatory, justice was for many generations crippled. Ada E. Levett, a recognized authority on the manor court, has remarked that the "disastrous decay of the English manorial courts" deprived "the smaller landholder of his main line of defense and his method of corporate self-expression, leaving him inarticulate in a predatory world."⁴⁸

⁴⁴ W. Cunningham, *The growth of English industry and commerce during the early and middle ages* (Cambridge, Cambridge University Press, 1927), I, 237.

⁴⁵ Ramsey rolls, *op. cit.*, intro., XXVI; p. 195.

⁴⁶ *Ibid.*, p. ix.

⁴⁷ The Columbia MSS include Thorley manor court rolls from 1770 to 1773 and 1719 ff (a court baron), an extract (1669) from the Winksley manor court rolls for 1539, a copy of the Minsterly manor court rolls for 1630, and a truly magnificent set of court rolls from Welborne through 1652 in thirteen great rolls.

⁴⁸ *Op. cit.*, p. 21.

Henry VIII and the Anglican Revolt

A review article

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ACAREFUL scrutiny of the list of textbooks, biographies, monographs and other scholarly articles on early Tudor history will reveal a provocatively interesting and crucially significant field of history inadequately covered. It is a noteworthy if peculiar fact that the seminar method has not made the deep impression on English historical scholars that it has on their German, American and French counterparts. There is, of course, a considerable volume of first-rate books covering all the chief features of Tudor history. But important details are not always available; significant facts have yet to be hunted down or evaluated; interpretation is sometimes impaired by religious and racial prejudice with the added misfortune that the reliability and objectivity of the author are called into doubt; and strangest of all, the lives of leading men have not been handled with the factual and technical know-how that modern scholarship demands.

Theodore Maynard's recent biography of Henry VIII seeks to answer the long-felt need for an adequate and objective study of the man who played such a devastating part in the breakup of Christian unity, thereby helping to release forces which were destined to alter or profoundly modify the political and cultural *milieu* of future generations in ways and to lengths beyond his comprehension or even his imagination. The purpose of this essay is to determine whether or not Maynard's book fulfills this need. If it does, he has made a very important contribution to history because up to date the need has remained unfulfilled. A. F. Pollard's able *Henry VIII*¹ is bitterly anti-Catholic; F. Hackett's brilliantly written *Henry VIII*² is a popularization to the point of fiction of the dirty story variety. G. Constant's excellent work, *The Reformation in England: Henry VIII*,³ was not intended to limn the personality of the king. W. Busch, A. D. Innes, Conyers Read, Katherine Garvin and other historians of the Tudors confined themselves to a survey of the period or to an interpretation of the characters and events; Gairdner, Lingard and Belloc covered the general history.⁴ There is therefore a very definite place left for Maynard, especially since J. D. Mackie's *The Earlier Tudors* has not as yet been added to the published volumes of the *Oxford History of England*.

¹ Maynard, Theodore, *Henry the Eighth* (Milwaukee, The Bruce Publishing Company, 1949), pp. 431. \$3.75

² Hackett, Francis, *Henry the Eighth* (New York, 1935).

³ Constant, G., *The Reformation in England: The English Schism (1509-47)*, translated by R. E. Scantlebury (New York, 1934).

⁴ Busch, Wilhelm, *England Under the Tudors, I*, translated by L. M. Todd (London, 1895); Innes, A. D., *England Under the Tudors*, revised ed. (London, 1932); Read, C., *The Tudors* (New York, 1936); Garvin, K. (editor), *The Great Tudors* (London, 1937); Gairdner, J., *The English Church in the 16th Century* (London, 1904); Lingard, John, *History of England* (N. Y., 1912); Belloc, H., *A History of England*, III and IV (London, 1931).

Theodore Maynard has a great deal of experience as a writer of historical subjects. He has an unbiased mind and a facile pen. He tries to be objective in analyzing and evaluating his material, is cautious in drawing conclusions, and as an English convert to Catholicism he brings an inquiring intellect and a human sympathy to bear upon a period and a man long stereotyped by prejudice and bigotry. The reviewer might then wish to oblige with a favorable review of his latest book, but the truth precludes any inclination or temptation to *noblesse oblige*. Theodore Maynard's *Henry VIII* suffers from serious defects.

The first of these arises from its attempt to treat the strong Tudor monarchy in isolation from its historical perspective. If the Tudor monarchy was only a continuation or usurpation of the medieval Anglo-Norman kingship it is impossible to see, as Maynard apparently does, how Henry VIII could conceivably have led an unwilling people into schism even with such efficient and pliable tools as Wolsey, Cranmer and Cromwell. It was of course much more. It was the English equivalent of the political absolutism that was being erected all over Western Europe upon a growing nationalist-mercantilist-capitalist-secularist renaissance society. Henry VII's economic policy was not so unique as Maynard would lead us to suppose. Gold hoarding and favorable commercial and matrimonial alliances were common features of the diplomacy of the Italian city states, Burgundy, Spain, Portugal and even of France. Like most other European sovereigns and governments the masterful Tudor crown increasingly drew its chief power and support from the *nouveaux riches* who in England were a combination of the merchant and industrial townsmen and of the capitalist landowners whom Thomas More in *Utopia* wittily described as the sheep-eating men.

This aggressive combination soon outweighed in importance a weakened manorial aristocracy and a top-heavy hierarchy, and put the king in England as elsewhere in a position to tax the subject, raise and maintain armies and organize bureaucratic government. There was indeed in England the traditions of limited monarchy going back to the great underlying principles of the *Magna Carta* and finding powerful expression in Parliament during the Wars of the Roses. But by Henry VIII's time the *nouveaux riches* were coming to dominate Parliament, and they were anti-clerical, anti-papal, eager to endorse the royal will, the only organized body of public opinion in the country, ambitious, aggressive and only likely to resent dictation where the call on their pocketbooks was excessive. The inference is obvious: the king became the personification of the state. Maynard is eminently right in stating that the king would never have been able to obtain his divorce on its merits as they appeared to the people. But the moment the case was called to the papal court the divorce became inextricably interwoven with the wider issue of papal jurisdiction in England; and on that question the king carried with him the good will of the *bourgeoisie* and through their influence that of the bulk of the English laity. Because of his failure to estimate the strength of the new ideal of patriotic virtue to-

gether with the growing preponderance of the new upstart class, whose appetite for profit and title was being amply recompensed by Macchiavelli's prince in action, Maynard is somewhat at a loss to explain why the Pilgrimage of Grace was such a fiasco. Even if earlier the popular Queen Katherine had been willing and in a position to let the old aristocracy and the peasantry rally to her cause, a rebellion had slim enough chance of success.

Maynard would seem to overestimate the importance of England in the European system. He stresses the point frequently made by Belloc that had England remained faithful to Rome the ultimate failure of Protestantism would have been secured. Apart from the stupendous initial *if*, there are too many other imponderables safely to warrant such an inference. If in spite of the defeat of the Spanish Armada England proved unable to destroy the Catholic cause in Ireland, are we to suppose that the Hapsburgs even with English support would have been equal to the task of blotting out the Protestantism of scarcely less determined people in Europe? Furthermore, would not the principle of the balance of power have precluded, as it actually did preclude, all-out support of a cause sponsored by rulers with a vision of universal empire? Let us add to this the fact that, although the future by reason of a concatenation of unforeseen circumstances was to lie with England, for the present she was in no sense the power that France or Spain was, and we may be compelled to dismiss Theodore Maynard as a man with a very high opinion of his country.

Our author does give us a genuine picture of Henry VIII and brings out with deep pathos all the grim details of the lamentably crude, sad story. But, likely because he is a convert, he indulges in the dialectics of bending backwards to save the reputation of Henry VIII and Cromwell in minor matters, to the point of contradiction. Thus on page 163 he indicts Belloc for attributing to Pollard the statement that "Wolsey was not prosecuted for having been legate but for only having done legatine acts" when Pollard actually wrote that "it was not for being a legate that Wolsey was condemned, but for what he did as a legate." The average scholar might discern as little difference between these two statements as that between *tweedledum* and *tweedledee*. Maynard, however, sees the vast difference that the second statement means that Wolsey exceeded his powers as Papal legate *a latere* in England, whereas the first does not. If he had let the matter drop here one might condone the king for having permitted Wolsey to be prosecuted by the House of Lords under the statute of *Praemunire*, but unfortunately he goes on to say that the king acquiesced in and connived at Wolsey's abuse of authority; and so he makes himself slightly ridiculous. It does not make the king any less a villain for our author to sugar-coat his part in a transaction in which he was willingly or unwillingly the prime mover, by appealing to the constitutional fiction that "the king can do no wrong". Maynard finally admits that to make Wolsey liable to the penalties of *Praemunire* not for being legate, but for the way he had performed his functions, though sufficiently legal

was "not at all just". Belloc would seem after all to have scored a point.

Incidentally, our author seems to regard Belloc as an open target. On page 234 he says in reference to the suppression of the monasteries that he can "find no evidence for Mr. Belloc's assertion that a complete scheme of spoilation existed from the outset in Cromwell's mind." The idea is to show that Cromwell did not believe that it was necessary completely to uproot monasticism in order to make the reconciliation of England with the Holy See forever impossible. Maynard makes a sorry spectacle of himself in trying to prove his point. He acknowledges that at the outset the king thought it would be possible to grab everything for the crown, but that Cromwell advised him that parliamentary sanction depended upon the sharing of the loot. If the king envisaged a total suppression, it is extraordinary, to say the least, that Cromwell, his mentor, a man elsewhere depicted as the consummate embodiment of Macchiavelli's *Prince*, should have envisaged less. Experience should have taught that pragmatist *par excellence* that the mere suggestion of any suppression to Henry VIII would mean total suppression. Nor could he have forgotten More's advice, "If you will follow my poor advice, you shall in your council-giving under his Grace ever tell him what he ought to do, but never what he is able to do. For if a lion knew his strength hard were it for man to rule him." Total suppression was the result of Cromwell's original suggestion and whatever his views may have been later on (in 1536), he must surely have foreseen and intended that result at the outset.

On the allied question as to the connection between greed and the success of the Reformation in England, Maynard, without naming Belloc, again takes him to task. Greed, he admits, was a large factor in the matter, but general religious indifference was a larger one. Maynard is right enough, but Belloc would likely be the last man to contradict him. The real difficulty is that Belloc does not write history as Maynard does. Belloc, by bringing his artist's sense of the keys to bear on his wide knowledge and broad outlook, is able to select a striking fact such as the suppression and show how its logical result was to make the reformation something in the nature of a vested interest. In this he is not denying that lack of religious enthusiasm was at the bottom of the whole scandalous business.

Maynard on the other hand approaches the matter in a narrow, even insular fashion. A crowd of English historical facts—for he gives no real evidence of knowing any others—lies before him. Unable to see the forest for the trees, he damns a man whose scope and purpose does not happen to rest on an idea which is important to him. Herein lies the second great fault in Maynard's book: there is no attempt to link kindred ideas together and present them as component parts of a general trend. The result is that the book is chock-full of details poorly digested and still more poorly integrated; this is either indicative of a lack of the artist's touch, and every book should be a work of art, or of undue haste in the collection and assembling of materials and in their presentation to the reader

before they had settled and lost some of their greenness in the author's mind. Maynard would do well to recall Emerson's axiom, namely, that no book can please unless it is written with a view to strike the reader's attention and economize his powers of concentration.

It may be unfair to suppose that the author of *Henry VIII* is not an artist; but there is ample evidence of haste in the paradoxes in which the book abounds. Let's give a few examples.

On pages 222-3 we find the following statements: "It was very largely for Mary's sake that Katherine had taken the line she did." "It is possible that, had it not been for Mary, Katherine would have accepted the compromise offered to her over and over again during 1528 and 1529." The compromise was that she should graciously retire into a convent so as to give the Pope a chance to oblige her husband with a divorce and she would be well taken care of for the balance of her natural life. Then comes the crowning contradiction. "All such speculations are idle, even if Mary never existed, it is likely enough that Katherine's sense of honor would have forbidden her to accept any compromise." Queen Katherine is most unfairly treated throughout the book. It is stated that had she been willing to compromise in the matter of the divorce, the Reformation would not have occurred in England. "Her dogged obstinacy was the despair of the practical men like Chapuys and Campeggio and Clement. And so it is still to anyone who realizes how simple a matter it would have been for her to have prevented an enormous disaster. It is almost impossible for commonplace common sense to regard her with sufficient patience."

How could any serious-minded historian make such a preposterous statement? And being serious-minded and religious, Maynard paradoxically renounces himself. "This is possible only to those who believe that the end cannot ever be made to justify the means, and who also believe that it can be only illusory good that is obtainable by any other principle. Like Katherine herself, we have to leave such matters in the hands of God." Katherine is finally disposed of as glad to endure her troubles because she regarded them as "a kind of expiation for Warwick's murder and for all the harm she had done England." Maynard earlier states that Henry VII was obliged to order the execution of the Earl of Warwick so as to obtain the consent of Ferdinand and Isabella to the marriage of Katherine to Arthur. There is no historical justification for this assertion. The pretender, Perkin Warbeck, was executed at about the same time—a fact conveniently omitted by our author—and surely there was no Spanish order to execute an impostor as he is generally alleged to have been. One cannot wonder that Henry VIII should have been willing to wreck church and state to get rid of Katherine, as portrayed for us by Maynard.

In his efforts to establish the king's conscience in the "king's great affair" Maynard outdoes himself in contradiction. Henry, he says, was not a "very sensual man," and up to 1527 he "was a very moral man, almost a model husband." Yet he admits that Henry had already had two known mistresses of whom one

was the mother of an acknowledged bastard son. Sir John Perrot and Sir Thomas Stukeley were reported to be his sons, and the Elizabethan historians Harpsfield and Sanders gave as their opinion that he had had an affair with Mrs. Boleyn and might have been the real father of Anne. Maynard rules out this last possibility on the ground that Henry could not have been more than 15 years Anne's senior. The fact, however, that during the divorce proceedings Henry sought to prove that the marriage between Arthur and Katherine had been consummated although Arthur was then only fifteen years old, would seem to weaken Maynard's plea. At any rate, his characterization of the king as a "very moral man" can have no meaning unless by contrast with a notorious philanderer such as Francis I.

In dealing further with the conscience of the king, Maynard believes that he actually had a conscience, albeit "the most monstrous the world has ever seen." The author insists that the king was quite convinced that his lack of an heir was a punishment for having violated the law of God in Leviticus forbidding a man to marry his brother's widow. Yet Henry knew of the law of God in Deuteronomy urging a man to marry his brother's widow as the best of possible things to do. Henry, according to Maynard, passed this off as being meant only for the ancient Jews; this means that he had no conscience at all in the accepted meaning of the word.

Maynard's portrayal of Clement VII is positively harsh and unfair. The pope is represented as an utter weakling, irresolute, shifty and more responsible for the calamitous English schism than Henry himself. Yet he insists that Henry might have obtained an annulment of his marriage with Katherine from Wolsey provided that the ultimate responsibility for this were not to be placed on the Pope's shoulders. With the queen refusing to compromise, the king insisting on papal approval for the divorce, the grounds for which were shifted from hour to hour, and with the friends of both bullying and threatening the Pope, it is extremely hard to see how Clement could have acted other than he did without bringing papal authority into total discredit all over the world. Clement's fatherly rebuke of Henry's threats, which is quoted by Maynard, shows him to have been a vastly different manner of man than he is described to have been by the author. "We pardon your transport of impatience, exhorting you, with a fatherly affection, to keep your temper: and we hope that your prudence and piety will prevail upon you to make no resolutions but what are wise. But if a patient be ungovernable, and will embrace no advice but what is destructive, the physician ought not to be blamed."

Maynard's position on the influence of Erasmus needs explanation. In his *Humanist as Hero* he seems to take the view that because Sir Thomas More endorsed Erasmus he has to do likewise. In the present book, he at least enjoys the merit of sticking to the same line. He denies that Erasmus laid the egg that Luther hatched. This reviewer does not take issue with him on that point. The egg that Erasmus laid was a goose egg, and so small a bantam fowl as Luther was simply incapable of hatching it alone. It was the egg of modern secularism and all the rationalists, pseudo-

reformers and intellectual quacks since Luther's time, the Voltaires, Bentham's, Nietzsches, Darwins, Shaws, Hitlers and Stalins have had a hand in the hatching. Maynard makes too much of Gasquet's *obiter dictum* that the ideas of Erasmus were just. Just or unjust, he was a destructive critic. His ideas fed ammunition to the enemy, and though he did, when faced with the inescapable issue, denounce Luther, it cannot be forgotten that it was largely due to his earlier support that Luther escaped censure in the Diet of Worms.

Maynard's references to Ireland are of the most meager sort. In his bibliography only one book on Ireland is listed, R. Bagwell's *Ireland Under the Tudors*. This is a great pity. All the aspects of the Irish problem (as yet not fully solved) stem from Henry VIII's Irish policy. The schism was the beginning of three hundred years of intermittent conquest and religious persecution. The policy of "surrender and regrant" laid down by Henry VIII led to landlordism and the agrarian warfare of the nineteenth century. The Act of Supremacy brought on papal intervention and the gallant and ultimately victorious stand of the Irish Catholics. The failure successfully to pack the Irish Parliament led to the Act of Union which in turn brought on the inevitable Irish separatist reaction. Our author might at least have been included in his bibliography such eminently scholarly works as M. V. Ronan's *The Reformation in Dublin*, D. Edward's *Church and State in Tudor, Ireland*, D. Matthews' *The Renaissance and Celtic Peoples*, and Curtis and McDougals' *Documents of Irish History*.

The book *Henry VIII* carries no bibliographical note, an omission of something that might have proved invaluable. The index is defective. The same may be said of the title. There is no development of the Tudor Constitution and economic trends are inadequately treated. A better title, though it would probably appear cynical, would be *Henry VIII's Conscience and Lust*. Maynard's *Henry VIII* is neither entirely scholarly nor entirely popular, nor does the author appear to possess the saving grace of a sense of humor.

The author would do well to acquaint himself with that ancient truth so cogently expressed by Lord Morley in connection with the catastrophic public effect on both Britain and Ireland of the private fault of another statesman. We must not assume, writes Morley, that there is always some good way out of a bad case. "Alas for us all this is not so. Situations arise alike for individuals, for parties, and for states, from which no good way out exists but only choice between bad way and worse." Henry VIII's divorce proceedings was one of these situations. Perhaps the best bad way of solving Henry VIII's case would have been to have made an opposite application of Tom Paine's celebrated dilemma, "All kings are crowned ruffians." Either they divorce their wives or they betray them. In either case they are unfit to rule. Ergo Henry VIII ought to be eliminated. We must not, however, put the blame vicariously on the Pope or the queen, or the Cardinals because the king was in wrong. Homer in his wisdom has best anticipated the impossible situation.

The king of men his reverent priest defied,
And for the King's offense the people died.

Book Reviews

The History of the Primitive Church, by Jules Lebreton, S. J., and Jacques Zeiller. Translated by Ernest C. Messinger. 2 vols. New York. The Macmillan Company. 1949. pp. 1272. \$16.50

Among the more noteworthy recent contributions to historical collections has been the series entitled *Histoire de l'Eglise* edited by Augustin Fliche and Victor Martin, which purposed to present in twenty-four volumes a history of the Church from its most remote beginnings to the present day. The volumes, each one prepared by a specialist in a particular field, are appearing as they are ready for publication and therefore not in chronological succession. Thus far all the volumes covering the history of the Church to the pontificate of Innocent III (1198-1216) have appeared, plus a recent volume on the period of the French Revolution.

Recognizing the value of the project, the Macmillan Company has now published a very commendable translation of the first two volumes of the series, wherein Jules Lebreton, S. J., Dean of the Faculty of Theology of the Institut Catholique, Paris, and Jacques Zeiller, director of studies at the Ecoles des Hautes-Etudes (Sorbonne) have presented the story of the Church from its establishment by Jesus Christ to its legal recognition by the Edict of Milan.

Less attention than ordinarily in church histories is devoted to the external history of the Church. Emphasis is upon the internal life of the Church, its organization, its conflicts and schisms, its influence and finally its triumph. The authors prefer to allow the Christian writers to offer their own evidence of contemporary life and the two volumes therefore abound in quotations from early Church Fathers, popes, bishops, scholars and schismatics.

The main impression that emerges from this two-volume treatment of early church life is the perpetual intellectual ferment among the teachers and students, often newly converted, of the new religion and the constant necessity of affirming the correct interpretation of some disputed point of dogma. Jules Lebreton has performed an exceptionally able task in presenting the rise of the various heresies and schisms in the early centuries, the answer of the Apologists and the constant danger, e. g., in Tertullian, of some of the champions of Christianity themselves overemphasizing some point of dogma to the detriment of the whole.

The schisms, persecutions and the rapid spread of Christianity necessitated definite organization in the Church, and Jacques Zeiller has traced the constant progression from the fraternal bond of unity of the first century to a definite hierarchical organization of the third. Especially noteworthy is the final chapter wherein Zeiller summarizes the cause of Roman opposition to Christianity, analyzes the Christian attitude towards the Empire and finally presents the causes of the Christian victory. Here he very effectively refutes the thesis that Christianity was one of the main reasons for the

decline and eventual fall of the Roman Empire. On the contrary, he points out, the Christians continued to take part in the life of the state, even though their religion was proscribed.

The two volumes present a well-balanced account of the internal life of the early Church. Although the periods of persecution produced many martyrs, they also produced many apostates and lapsed Catholics, often including even bishops. Although the Christians were a source of wonderment to the pagans because of their high standard of morality, the faithful must nevertheless be constantly reminded and even reprimanded by their shepherds. Ambition, pride, avarice, cowardice also appear periodically. As this study shows, the early Christians were human beings, for the most part of the humble, ignorant classes, and therefore the final victory of the Church against the forces of the powerful Roman Empire stands out as the more amazing.

The translation is well-done by Dr. Ernest Messinger, and it is hoped that the remaining volumes will also be translated as they appear. The twenty-four volumes should form a scholarly yet extremely readable series on the entire history of the Church. The present volumes are well annotated and each chapter contains a bibliography, mainly of French works, on the subject covered. The story of the first three centuries of the Church will be of interest not only to the classical, medieval and Church historian, but also to the student of patristic literature, to the theologian and to the philosopher, as well as to anyone interested in the foundations of Christianity.

ANTHONY F. CZAJKOWSKI.

Red Sepulchre. A Story of Adventure Behind the Iron Curtain, by Peter Simonds. Montreal. Adanar Press. 1947. pp. 391.

Among the planes shot down on a bombing raid over Hamburg, Germany, in July, 1943, was a Lancaster bomber carrying a mixed crew of English, Australian and Canadian personnel, including the pilot who was a former member of the Canadian Royal Mounted Police. What follows forms the basis for a tense, moving, gruesome and very realistic story of adventure. After almost two years in a prisoner of war camp in Silesia, marked by frequent attempts at escape, a group of British, Canadian and American prisoners took advantage of the disintegration of the German armed forces to escape from a marching column toward the advancing Russian armies.

After their trek through eastern Germany the escaped prisoners reached the Russian lines, but instead of prompt evacuation to their own armies they found that the Russians were using every pretext to detain them. Their stay among the Russians produce some horrifying anecdotes of Russian barbarities against the local population. Fearful that the Russians meant to liquidate them because they had seen too much, the group secretly

escaped from its encampment and headed towards the East Prussian headquarters of Marshal Rokossovsky with whom the senior officer of the group was acquainted. Further adventures and matching of wits with the Russians followed before the ex-prisoners of war finally embarked from Archangel for England.

The Canadian pilot, according to the introductory chapter, kept a diary of the day-to-day events and wished to publish it after his return to the Canadian Royal Mounted Police. Because of the references to the Red Army atrocities in East Germany the Canadian Government feared that its publication by an employee might prove embarrassing in international relations. There was no objection, however, to the use of the contents of the diary by someone outside the Canadian service to present the story of the group. The result is a fast-moving adventure presented in novel form. It is not possible to tell how much fiction has crept in to embellish the story, but as it stands now the novel serves as a bitter indictment against the excesses of the Red Army; they surpassed anything that the Germans did or were rumored to have done.

ANTHONY F. CZAJKOWSKI.

The First of the Puritans and the Book of Common Prayer,
by Paul R. Rust, O. M. I. Milwaukee. The Bruce Publishing Company. 1949. pp. 270. \$3.75

Rev. Paul R. Rust's *First of the Puritans and the Book of Common Prayer* is an unusually amusing book if only because it is conceived and written in a spirit utterly out of keeping with the objective matter of fact *you be damnedness* of the twentieth century. If Father Rust intended it as an anachronism it is a gem. One might peruse the whole polemical tract-literature of the sixteenth and seventeenth centuries and not beat it. Puritanism is taken as a word of general evil import. Anglican bishops are pushed around and abused in a language of pious reprobation that would do justice to Cranmer himself, if not to St. Bernard of Clairvaux. Historical facts are distorted for the sake of argument and the whole thing might have happened yesterday so filled with horror and rancor is Father Rust at the fanatical Puritan schismatics, heretics and apostates of the sixteenth century. Belloc's vituperative *Ballad of the Heresiarchs* or *Lines to a Don* is mild by comparison with it.

If Father Rust is literally waging war on Cranmer, Fox, Bonner, Ridley, Latimer, Luther, Zwingli and all other crew of "cringing curs" that sold out for the thirty pieces, he is a magnificent shadow boxer. But if he is actually writing serious church history for a serious purpose, he is playing into the hands of the enemy, in fact, bringing discredit on his cause. Any non-Catholic reading this book must conclude that Father Rust appears to be as intolerant as Cranmer ever was, and of the temptation for non-Catholics to generalize we need not particularize.

Any scholar reading the book will come to a conclusion just as bad from his point of view because he will have to confess that it is very largely an overstatement of a case and therefore a violation of the very

fundamentals of Aristotle's dialectic: *Qui probat maius probat nihil*.

Father Rust is guilty of several historical inaccuracies, in themselves minor, but cumulatively enough to discredit him. He speaks of the "Erastian Parliament" when he must mean the Erastian church. Thomas Erastus, the Zwinglian divine, a contemporary of Cranmer, preached the doctrine of state supremacy in ecclesiastical affairs, and the Elizabethan Puritans called the Anglican Establishment the Erastian Church in derision. The majority of themselves stood at that time for some sort of a modification of Calvin's theocracy. They had the Scottish Presbyterian synod mostly in mind.

Edward VI is represented as succeeding to the throne at nine. He was actually ten. On page thirty-three he is seen "prostrating himself humbly, and we cannot but believe haltingly, as that august and awesome occasion demanded of him, before the same Blessed Sacrament which he was so soon to hate and blaspheme as an abomination." To make such a charge against a poor moribund child of ten who barely existed and was, as Father Rust acknowledges on page thirty-one, the mere ward of his uncle, Lord Protector Somerset, is absurd. For the balance of his short life, a matter of only six years, Edward spent his time praying against the dangers of damnation of which he had a phobia. Father Rust tells us that when his "sacrilegious sire" died, he was buried beside the body of his favorite wife, Jane Seymour, and that of an infant they had lost. Jane was not Henry's favorite wife. The only wife he ever really loved was Katherine Howard, nor could Jane have had any other child but Edward by Henry VIII because before marriage she had successfully declined to become his mistress. The marriage itself took place May 20, 1536, she died October 24, 1537, and Edward was not a twin.

Father Rust takes issue with Strype, the author of the *Memorials of Archbishop Cranmer*, and frequently castigates him, yet continues to use him as though he were a reliable authority. Even Charles Dickens comes in for a scolding, the author deplored his "prejudiced" statement in connection with Queen Mary. In delineating Cranmer's character, the author at one point yields his pen to a "gifted Anglican Monk, Don Gregory Dix, of Nashdon Abbey, Birmingham, Buck's, England." A long quotation follows and Abbot Dix would also seem to be given to overstatement. He says, for instance, that Cranmer "had connived at the greatest spoliation of the church that had ever happened." The spoliation of the Lutheran Princes in Germany was equally as great, not to mention the spoliation of the monasteries in France at the time of the Revolution. Father Rust says that Bishop Fisher and Sir Thomas More suffered execution under the Supremacy Act. This is technically incorrect. More and Fisher were executed for refusal to submit to the preamble to the Oath of Succession.

On page sixty the author represents the English hierarchy as a quibbling, procrastinating pushover for Cranmer and Somerset who were about to introduce their "Order of Communion" abolishing the Mass. On pages 61 and 62, Cranmer is deeply disappointed with

the replies of the bishops and on page seventy-seven, the bishops are fighting like tigers to retain the Mass and in Latin at that. In keeping with the exaggerated language of the book when our author finds an authority to substantiate his point, the authority usually "proves" it "beyond the shadow of a doubt." This is poor argumentative technique since it is often the language of a man who is not so sure of his point after all.

The book makes no attempt whatever to illustrate the meaning in which the author is using the term "Puritan". If he is using it in the sense of the radical Protestantism *à outrance* of the seventeenth century, then Cranmer and his abettors were certainly not Puritans. They stood rather for a compromise between Catholicism and Lutheranism or Calvinism. If he is using it as a Christian outlook that was Evangelical, emotional rigorous and otherworldly in a God-fearing rather than in a God-loving way and to the point of being denunciatory of contemporary Christian practice, then Puritanism was pre-Protestant as well as Protestant, and Savanarola, the Fraticelli (spiritual Franciscans), notably their great and saintly mystic Jacopone da Todi, and perhaps even Peter the Hermit were Puritans. Haller in the *Rise of Puritanism* points out that in this sense the parson in Chaucer's *Canterbury Tales* was a Puritan. What then does Father Rust mean by the first of the Puritans?

The sections of the book dealing specifically with the liturgy are well done. The author seems to know a good deal about the beautiful old Salisbury (Sarum) rite. It is, however, unfortunate that exaggerated language should creep in even here.

THOMAS L. COONAN.

England in the Eighteenth Century, by W. T. Selley. 2nd edition. London. Adams & Charles Black. 1949. pp. 408. \$2.75

The successful text book is among the difficult of accomplishments. It is easy enough to make a record of the bare bones of history but the record is likely to be drab. It is also easy for some people to compose a spirited commentary on the march of events. But to combine the two demands a rare ability. In his *Political and Cultural History of Modern Europe*, Carelton J. H. Hayes achieved front rank as a master of this art. All the facts and all the cliches are there, but so are the author's *joie de vivre*, his interesting asides, odd bits of information thrown in, in pleasing contrast to the canons of standard history, and in the very character of his language spiced as it is with the humor of the men and times he is dealing with and not without a touch of his own humor.

W. T. Selley's *England in the Eighteenth Century* does not measure up to these requirements. It is a very good record of the political and economic facts and movements of eighteenth century England, but it makes scant attempt to present them in the spirited language and with the vivacious anecdotes that make the student relive the past. This lack in Mr. Selley's text is possibly due to the fact that he prepared it primarily for English students sitting for the higher school certificate and

intermediate degree examinations. He probably felt that it is the business of college and university to fill in the color. It is a serious defect in his text all the same and is especially emphasized in this review because the drab, lifeless facts of most of our history texts are the despair of teacher and student.

Mr. Selley's England is not fully English. Walpole, Bolingbroke, George III, the two Pitts, Grenville, Townshend, Clive, Fox, the Wesleys, and Wilberforce all receive due attention. But there is no mention of Addison, Steel, Pope and Dr. Johnson. Adam Smith is treated as the law and the prophets of *laissez-faire* with no mention of that more subtle and exact economic thinker, Josiah Tucker. The Agricultural and Industrial Revolutions are discussed at length without a word about Goldsmith's *Deserted Village*; more amazing, in the Deist controversy the great Bishop Berkeley apparently does not merit mention. In the chapter on Ireland, the work of Swift and Grattan is only touched on in a perfunctory fashion, and the sections on Scotland and the British Empire are narrowly conceived. In a word, diplomats, generals and industrialists are acknowledged; writers, artists, poets and philosophers are not.

The book makes no claim to originality. The standard authorities from which it is largely derived are listed in the section entitled "Suggestions for further reading." The author is not afraid to use the well worn terms and phrases, which are the stock-in-trade of historical writing. Doubtless he feels these will seem new to the less mature students for which his text was compiled. Taken as a whole the book has little that is new for the teacher. But in the absence of R. Pares projected *Reign of George III* from the published volumes of the *Oxford History of England*, it supplies for the classroom a handy source of materials, otherwise not too readily available.

THOMAS L. COONAN.

The Southern Country Store, 1800-1860, by Lewis E. Atherton. Baton Rouge. Louisiana State University Press. 1949. pp. ix, 227. \$3.50

Plain Folk of the Old South, by Frank L. Owsley. Baton Rouge. Louisiana State University Press. 1949. pp. xxi, 235. \$3.50

These volumes may be considered together as revisionist studies in the history of the ante-bellum South, criticizing the traditional classification of southern society as planters, poor whites and slaves. The authors hold, in common, that the differentiation in the first two classes was not so rigid as commonly described by the writers of the F. L. Olmsted school and that the poor white had a more important economic role than customarily ascribed to him.

This point of view is buttressed in the former volume by a voluminous collection of manuscript material and in the latter work by the thorough use and interpretation of census reports.

Plain Folk is also to be commended for the general excellence of its physical appearance.

JASPER W. CROSS.

Father Knickerbocker Rebels: New York City During the Revolution, by Thomas Jefferson Wertenbaker. New York. Charles Scribner's Sons. 1948. pp. xiii, 308. \$4.50.

One of the leading authorities on colonial United States history has produced here a volume better described by the subtitle on the dust jacket—*How People Lived in New York City During the Revolution*.

Through a study of contemporary diaries and newspapers, Dr. Wertenbaker has recreated the atmosphere of the Revolutionary era in a volume which should have both popular and scholarly appeal.

For the student, *Father Knickerbocker* may be criticized for its use of end-of-the-book footnotes, a growing practice which remains inconvenient, and for the terseness of the secondary citations. However, the index is excellent, the illustrations are numerous and outstanding, and the work will be useful to one desiring knowledge of life during the Revolution.

JASPER W. CROSS.

The Violent Men: A Study of Human Relations in the First Continental Congress, by Cornelia Meigs. New York. The Macmillan Company. 1949. pp. 278. \$4.00

Miss Meigs has produced, in *The Violent Men*, a highly readable study of the personnel of the First Continental Congress with a rich picture of the backgrounds, personal foibles, petty jealousies and major abilities of the men involved.

In the richness of this tapestry lie both the strength and the weakness of the book. While the personality development contributes greatly to its readability, the suspicion is left that the author's imagination must have been used—probably accurately, perhaps inaccurately—tending to weaken faith in the reliability of the account.

The style, however, is highly interesting, the sources consulted varied and valuable, and the volume is quite useful for collateral reading lists.

JASPER W. CROSS.

The People Shall Judge, Readings in the Formation of American Policy, 2 vols., selected and edited by the Staff of Social Sciences I, the College of the University of Chicago. Chicago. University of Chicago Press. 1949. pp. 497 and 797. \$4.50 each volume.

The editors of these two volumes have compiled close to two thousand pages of source material relating to the formation of American internal and external policy. The selections have been judiciously chosen and are accompanied by brief notes and comments, explanations when necessary. They range from the Mayflower Compact to the North Atlantic Pact, from the Declaration of Colonial Rights (1774) to the Universal Declaration of Human Rights (1948), from Locke on Civil Government to Robert Hutchin's Constitutional Foundations of World Order, from *Marbury v. Madison* to *N. L. R. B. v. Jones and Laughlin Steel Corporation*, from the Monroe Doctrine to the Truman Doctrine, from Hamilton's Report on the Public Credit

to Baruch's report on the Control of Atomic Energy. The second volume appears to be more valuable as it is composed almost exclusively of twentieth century material, much of which was not heretofore available in so handy a form. No reservations need be made in recommending these volumes as fine reference works. They will save the teacher of American history many trips to the library. Some doubt, however, may be expressed as to whether "the people" will answer the invitation of the editors to read the original and judge for themselves. Most people would rather read a paragraph summary than a pages-long original, and in many cases it is probably just as well.

EDWARD J. MAGUIRE.

Book Notices

A History of the Greek World, from 479 to 323 B. C., by M. L. W. Laistner. Second Edition. London: Methuen & Co., Ltd., and New York: The Macmillan Company. 1949. pp. 492. \$4.50

The Ancient World, by Wallace Everett Caldwell. Revised Edition. New York. Rinehart & Co. 1949. pp. 589. \$4.25

Both of these works are well known to historians of Antiquity. It is sufficient here to note the fact of re-edition. Laistner's volume belongs to the multi-volume *History of the Greek and Roman World*, published under the competent and enlightened direction of Dr. M. Cary. Caldwell in his revision has brought his volume abreast of new discoveries and writings which have appeared in the past twelve years.

J. F. B.

Mary and Joseph, Their Lives and Times, by Reverend Denis O'Shea. Milwaukee. The Bruce Publishing Company. 1949. pp. 404. \$3.50

A glance at the title of this work might suggest that it is just another pious volume. Such a judgment would be unfortunate. Father O'Shea, without leaving aside the cause of edification which comes from closer acquaintance with his sainted subjects, has set himself a quite different purpose. From sources and works whose authenticity is universally accepted and yet which are regularly known only to scholars, he has reconstructed a picture of the world in which Mary and Joseph lived their early lives. He has written history, and as such his book is a definite and worthy contribution to our knowledge of the Jewish world into which Christ was born.

J. F. B.

A Procession of Saints, by James Broderick, S. J. New York. Longmans, Green and Co. 1949. pp. 198. \$3.00

Lives of the saints can be very dull reading, and too often even modern biographies of the giants of the Christian past conform to this aspect of ancient patterns. That is why this present little volume is such a

delightful surprise. The saints lose nothing in having their story told with a goodly dash of humor. The author, whose previous works are well known for their brilliant style and their keen humor, has not allowed his present subjects to change either of these characteristics. His saints, generally one for each month of the year, are in general little known English figures, with one of the very holy women of early French Canada, Venerable Marie of the Incarnation, thrown in to make up the "baker's dozen." This is a charming little volume, with real historical value and not a few sidelights on the application of the historical method in hagiography.

J. F. B.

Europe Since 1914, in Its World Setting, by F. Lee Benns. New York. Appleton Century Crofts, Inc. 1949. Seventh Edition. pp. xx, 770, 103. \$5.00

The Seventh Edition of this work on contemporary Europe maintains its usual previous standards. Dr. Benns has expanded this edition to include such current historical topics as The Cold War, Nationalism in the East, The Truman Doctrine, etc. The United States is given fuller treatment because of the intimate relationships of the two. Despite the tremendous scope of this volume, the author maintains orderly treatment and clarity. Of particular value for the general student is the fifty-eight page bibliography of English works which relate to this period.

C. L. H.

Prisoners of War, published by the Institute of World Policy, School of Foreign Service, Georgetown University. Washington. 1948. pp. 98. \$3.50

This is a valuable little volume, not only for its content but even more for the method by which its conclusions were reached and its suggestions obtained. During the years of the recent conflict it became increasingly clear that a new and up-to-date convention concerning the status and treatment of prisoners of war was sadly needed. The Georgetown group, made up of seasoned scholars in the field of things international and of graduate students in the university's school of foreign service, many of whom had themselves recently been prisoners of war, attacked the problem and brought to bear not only the fruit of long years of academic study but also that of actual experience. The opportunity was almost unique, for rarely could such theoretic and actual competence be tapped so profitably. The student of international law will find the volume both stimulating and instructive.

J. F. B.

St. Ignatius of Loyola, by Paul Dudon, S. J., translated by William J. Young, S. J. Milwaukee. The Bruce Publishing Company. 1949. pp. xiv, 484. \$5.00

Father Young has done the English-reading world a real service in making generally available what has been rightly judged one of the finest and most penetrating

studies of that important sixteenth-century historical figure, the founder of the Society of Jesus, Ignatius Loyola. There have been so many biographies of Loyola that the need for another would not seem pressing. Yet, in his case, as in that of so many great men of history, each new interpretation adds much of value to the fund of historical knowledge of men and their times.

J. F. B.

William Gaston: Carolinian, by J. Herman Schauinger. Milwaukee. Bruce Publishing Company. 1949. pp. ix, 242. \$3.25

This is a study of the career of a prominent Southern Catholic layman, contemporary of Clay, Calhoun and Webster. His story—Federalist, jurist, and leader in founding the earliest Catholic weekly newspaper in the United States—is well and simply told by Mr. Schauinger. *William Gaston: Carolinian* is not a world-shaking volume but does add to the knowledge of little-publicized Southern leaders.

J. W. C.

The Catholic University of America—1887-1896 (The Rectorship of John J. Keane), by Patrick H. Ahearn. Washington. The Catholic University of America Press. 1949. pp. 220. \$3.00

The Catholic University of America—1896-1903 (The Rectorship of Thomas J. Conaty), by Peter E. Hogan, S. S. J. Washington. The Catholic University of America Press. 1949. pp. 212. \$3.00

The history of a university, as of any important American institution, is a valuable addition to the story of our nation. These two volumes, originally submitted as theses in fulfillment of one of the requirements for the degree of Master of Arts at the university whose story they tell, bring into high relief the early years, the significant personalities, and the many problems of the Catholic University of America. The period spanned by the two volumes is a full and an exciting one in the history of the Catholic Church in the United States, and the lives of many prominent hierarchical figures touch the story of the university very intimately. The Catholic position on several of the burning questions of the day, the school problem and Americanism, to mention only two, receives careful attention and comment. Both works are excellently documented.

J. F. B.

The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, William Smith, Jr., by Dorothy Rita Dillon. New York. Columbia University Press. 1949. pp. 217. \$2.35

The three New Yorkers examined were lawyers of the pre-1775 colonial era who, like most early lawyers, were also political figures. The volume, one of the Columbia University studies series, casts light on the bitter political fight within New York colonial government and would be of interest to a specialist in that field.

J. W. C.

Captain Dauntless: The Story of Nicholas Biddle of the Continental Navy, by William Bell Clark. Baton Rouge. Louisiana State University Press. 1949. pp. x, 317. \$4.50

Mr. Clark is one who, in his words, has "history as an avocation, with emphasis on naval history." He has now produced three biographies of Continental naval leaders who, he felt, were neglected. Certainly, Nicholas Biddle is not now in that class.

Using a wealth of source material—its scope would be a credit to any professional historian—Mr. Clark has woven a canvas of Biddle's life and career which is both readable and technically well done. He has not fallen into the common pitfall of the amateur historian of romanticizing and imagining "facts".

While naval and military history is usually of little general interest, this volume can well be commended as a possible stimulant to such an interest. J. W. C.

Palmerston

(Continued from page thirty)

On December 22, the British Cabinet yielded and decided to join France in the Black Sea. In such a tissue of confusion peace could not have been preserved only by a miracle. By the middle of February, 1854, war was almost certain; at the end of March it was a reality. Had Palmerston's bold policy of positive action been adopted in the initial stages of the conflict, the Sinope incident might have been averted and diplomacy rather than feeling might have won the day.

To the eager Poles who offered assistance in the war, Palmerston set forth a very moderate picture of his war aims, explaining that he had no desire to cripple Russia or to make her an enemy; but that he wished only to compel her to abandon her designs on Turkey and the Black Sea.¹⁴ To Lord Russell he wrote more realistically that merely expelling Russia from Moldavia and Wallachia would be no security for Europe at all. Russia must be deprived of Georgia, Circassia, the Crimea, Bessarabia, Poland and Finland. Even then she would remain an enormous power but less able to commit aggression against her neighbors.¹⁵

As war progressed, Palmerston determined seriously that Europe would know an enduring peace at any cost to Russia. According to Harold Temperley, he proved himself in the peace proceedings at Vienna and Paris, "the only true realist among the peacemakers."¹⁶ He refused to negotiate a peace the provisions of which did not strike effectively at the causes of war. He knew that only impossible and dangerous concessions would conciliate Russia. She would not be satisfied with less; therefore, she must be crippled if Turkey and Europe were to enjoy security.

"If Napoleon from chivalry and Buol from timidity hesitated to push their advantage home, Palmerston did not."¹⁷ In the spring of 1855, Palmerston held out for more than the provisions of the famous four points.¹⁸ He demanded not only neutralization of the Black Sea but freedom of commerce upon its waters for the whole

world. He demanded the neutralization and demilitarization of the Aland Islands to secure the defense of Sweden from Russian attack in the Baltic. His plan was to protect Turkey against future Russian advances by creating a chain of independent or autonomous principalities as a bulwark of buffer states between Turkey and Russia. This was to be achieved by liberating Circassia, Mingrelia, and other regions within the Russo-Asiatic frontier. At Vienna neither Austria nor France supported Britain's plan to create a circle of client princes who would have occupied the debatable lands between Russia and the Turkish Empire.¹⁹

Britain played a significant and influential role at the Paris Conference in 1856, though history has tended to minimize her importance there. Palmerston was England's Prime Minister at the time and decided to send the hard-working, diplomatic and sincere Clarendon and the well-informed, discreet Lord Cowley as Britain's plenipotentiaries to Paris. Palmerston agreed that during the negotiations for peace, military operations should be suspended and no hostile acts were to be committed on the part of the naval forces; but to insure a speedy peace he insisted that existing blockades must be maintained, and, if necessary, those suspended should be re-established.

The terms of the Treaty of Paris are well known: Russia was forced to recognize Turkish territorial integrity, abandon her "Pan-Slav" ambitions, surrender Bessarabia and her right to keep warships in the Black Sea. This was not the severe peace Palmerston had desired; yet in the provisions as accepted he saw some compensation for the war. Just before the final signing of the terms of peace, he recorded: "There is not one of the conditions which now have been accepted by Russia that Russia would not have indignantly rejected if it had been proposed to her before the war began."²⁰

Europe was at peace once more. Yet Palmerston's knowledge of the realities of international politics would not allow him to be lulled into a false optimism. He warned the Sultan seriously that Russia would be at war again with Turkey within perhaps the space of a decade and that Turkey would do well to put her house in order while there was yet time.²¹

¹⁴ Bell, *op. cit.*, p. 104.

¹⁵ *Ibid.*, p. 105.

¹⁶ H. Temperley, "The Treaty of Paris, 1856, and Its Execution," *Journal of Modern History*, IV (November, 1932), 400.

¹⁷ *Ibid.*

¹⁸ For a brief discussion of the "four points" as a whole, see Gavin B. Henderson, "Two Interpretations of the Four Points," *English Historical Review*, LII (January, 1937), 48-66. For a more detailed discussion, see Henderson, "The Diplomatic Revolution of 1854," *American Historical Review*, XLIII (October, 1947), 22-50.

¹⁹ Temperley, *op. cit.*, pp. 390-397.

²⁰ Dispatch from Palmerston, February 26, 1856, F. O. 27/1167, No. 6, quoted by Temperley, *op. cit.*, p. 529.

²¹ *Ibid.*